**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission : R-2020-3019369 (Water)

Office of Consumer Advocate : C-2020-3019751

Office of Small Business Advocate : C-2020-3019767

Jessica and Jeffrey LaBarge : C-2020-3019627

Mr. and Mrs. Gerald S. Lepre, Jr. : C-2020-3019646

Victoria Lozinak : C-2020-3019778

Charles and Jennifer Spryn : C-2020-3019905

Cherise H. Sympson : C-2020-3020209

David Dollard : C-2020-3020219

Jan K. Vroman : C-2020-3020220

Pennsylvania-American Water Large User Group : C-2020-3020238

Anna-Maria Rucci : C-2020-3020245

:

v. :

:

Pennsylvania-American Water Company :

Pennsylvania Public Utility Commission : R-2020-3019371 (Wastewater)

Office of Consumer Advocate : C-2020-3019754

Office of Small Business Advocate : C-2020-3019772

Jessica and Jeffrey LaBarge : C-2020-3019627

Mr. and Mrs. Gerald S. Lepre, Jr. : C-2020-3019646

Victoria Lozinak : C-2020-3019778

Charles and Jennifer Spryn : C-2020-3019905

William H. Rissmiller : C-2020-3020198

Cherise H. Sympson : C-2020-3020209

David Dollard : C-2020-3020219

Jan K. Vroman : C-2020-3020220

Pennsylvania-American Water Large User Group : C-2020-3020240

Anna-Maria Rucci : C-2020-3020245

:

v. :

:

Pennsylvania-American Water Company :

**PREHEARING ORDER**

**Rate Filings**

On April 29, 2020, Pennsylvania-American Water Company (PAWC or the Company) filed with the Pennsylvania Public Utility Commission (Commission) Supplement No. 19 to Original Tariff Water – Pa. P.U.C. No. 5 (Water Tariff Supplement) and Supplement No. 19 to Original Tariff Wastewater – Pa. P.U.C. No. 16 (Wastewater Tariff Supplement), requesting an increase in its total annual operating revenues to become effective June 28, 2020. Under Section 1308(d) of the Pennsylvania Public Utility Code (Code), 66 PA.C.S. § 1308(d), PAWC requested Commission approval of an increase in water and wastewater rates based on a multi-year plan ending December 31, 2022. The requested increase equals $138.6 million over two years: $92.4 million, annualized over the entire year 2021,[[1]](#footnote-1) and $46.2 million in 2022. This equates to an annualized 12.9% revenue increase in 2021 and a 5.8% revenue increase in 2022.

PAWC is a public utility that serves customers located in 37 counties across Pennsylvania. As of December 31, 2019, the Company provides water service to approximately 665,829 customers in portions of Adams, Allegheny, Armstrong, Beaver, Berks, Bucks, Butler, Centre, Chester, Clarion, Clearfield, Clinton, Columbia, Cumberland, Dauphin, Fayette, Indiana, Jefferson, Lackawanna, Lancaster, Lawrence, Lebanon, Luzerne, McKean, Monroe, Montgomery, Northampton, Northumberland, Pike, Schuylkill, Susquehanna, Union, Warren, Washington, Wayne, Wyoming, and York Counties. The Company also provides wastewater service to approximately 74,354 customers in portions of Adams, Allegheny, Beaver, Berks, Chester, Clarion, Cumberland, Lackawanna, McKean, Monroe, Northumberland, Pike, Washington, and

York Counties. PAWC is a subsidiary of American Water Works Company, Inc., which is headquartered in Camden, New Jersey.

Accompanying the Water and Wastewater Tariff Supplements, the

Company filed supporting information required by the Commission’s regulations, including the prepared direct testimony of the Company’s initial witnesses and the various exhibits to be sponsored by them. Over the course of this proceeding, the Company may submit additional testimony and exhibits in response to the presentations of, or cross-examination by, other Parties. In addition, the Company may revise certain statements and exhibits during the Commission’s investigation to reflect known and measurable changes reasonably expected to occur during the applicable test periods.

As provided for under Section 1330 of the Code, 66 Pa.C.S. § 1330, PAWC contends the Company is employing a multi-year rate plan encompassing the twelve months ending December 31, 2021 (Rate Year 1) and the twelve months ending December 31, 2022 (Rate Year 2). In support of the Company’s proposed rate increase, the Company submits it has presented data for the historic test year ended December 31, 2019, the future test year ending December 31, 2020, Rate Year 1, and Rate Year 2. According to PAWC, Rate Year 1 corresponds to the fully projected future test year that the Company is permitted to employ under the terms of Section 315(e) of the Code. 66 Pa.C.S. § 315(e). Consequently, the Company’s multi-year rate plan extends one year beyond a fully projected future test year, PAWC claims. The Company intends to rely primarily on the Rate Year 1 and Rate Year 2 data in support of its proposed rate increase. The Company asserts that the record at the close of this proceeding will demonstrate the justness and reasonableness of its proposed rates.

**Rate Suspension and Investigation**

By Orders entered May 21, 2020, the Commission instituted formal investigations at Docket Nos. R-2020-3019369 (Water) and R-2020-3019371 (Wastewater) to determine the lawfulness, justness and reasonableness of the Company’s existing and proposed rates, rules and regulations. Accordingly, the Water Tariff Supplement and Wastewater Tariff Supplement were suspended by operation of law until January 28, 2021, unless permitted by Commission order to become effective at an earlier date. 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.

**Prehearing Conference Notice and Order**

On May 22, 2020, a Notice was issued to the Parties informing them the proceedings were assigned to the undersigned Administrative Law Judge (ALJ) and that a telephonic prehearing conference would be held on June 4, 2020, at 1:00 p.m.[[2]](#footnote-2) Also, on May 22, 2020, the ALJ issued a Prehearing Conference Order concerning regulations pertaining to prehearing conferences, 52 Pa.Code §§ 5.221-5.224, and directed the Parties to submit their respective Prehearing Memorandums by June 3, 2020. Various Parties filed Prehearing Memorandums. The Prehearing Conference Order cautioned the Parties that you must participate in the prehearing conference and that failure to do so would result in your removal from the Service List.

**Tariff Supplements Effective January 28, 2021**

On May 27, 2020, in compliance with the Commission’s May 21, 2020 Orders, PAWC filed Supplement No. 20 to Tariff Water – Pa. P.U.C. No. 5 with no effective date, to reflect the suspension of Tariff No. 5 until January 28, 2021, and Supplement No. 20 to Tariff Wastewater – Pa. P.U.C. No. 16 with no effective date, to reflect the suspension of Tariff No. 16 until January 28, 2021 .

**Complaints, Notices of Appearances, Protests and Petitions to Intervene**

Pleadings to PAWC’s rate filings were filed by various Parties as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| Date Filed | Party | Pleading | Docket Number |
| April 29, 2020 | Jessica and Jeffrey LaBarge | Complaint | C-2020-3019627 |
| April 29, 2020 | Mr. and Mrs. Gerald S. Lepre | Complaint | C-2020-3019646 |
| May 1, 2020 | PA Representative Austin Davis | Protest | R-2020-3019369  R-2020-3019371 |
| May 7, 2020 | Office of Consumer Advocate | Complaint  Public Statement Notice of Appearance | C-2020-3019751  C-2020-3019754 |
| May 7, 2020 | PA PUC Bureau of Investigation and Enforcement | Notice of Appearance | R-2020-3019369  R-2020-3019371 |
| May 7, 2020 | PA Senator Judith L. Schwank | Protest | R-2020-3019369  R-2020-3019371 |
| May 11, 2020 | Office of Small Business Advocate | Complaint  Public Statement  Notice of Appearance | C-2020-3019767  C-2020-3019772 |
| May 12, 2020 | Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania | Petition to Intervene and Answer | R-2020-3019369  R-2020-3019371 |
| May 12, 2020 | Victoria Lozinak | Complaint | C-2020-3019778 |
| May 18, 2020 | Commission on Economic Opportunity | Petition to Intervene | R-2020-3019369  R-2020-3019371 |
| May 26, 2020 | Charles and Jennifer Spryn | Complaint | C-2020-3019905 |
| June 2, 2020 | AK Steel Corporation | Petition to Intervene  Notice of Appearance | R-2020-3019369  R-2020-3019371 |
| June 2, 2020 | William H. Rissmiller | Complaint | C-2020-3020198 |
| June 3, 2020 | Cherise H. Sympson | Complaint | C-2020-3020209 |
| June 3, 2020 | David Dollard | Complaint | C-2020-3020219 |
| June 3, 2020 | Jan K. Vroman | Complaint | C-2020-3020220 |
| June 4, 2020 | Pennsylvania-American Water Large User Group | Complaint  Notice of Appearance | C-2020-3020238  C-2020-3020240 |
| June 4, 2020 | Anna-Maria Rucci | Complaint | C-2020-3020245 |

**Motions, Answers and Additional Petitions**

On May 28, 2020, the Office of the Consumer Advocate (OCA) filed an Expedited Motion for an Extension of the Statutory Period of Pennsylvania-American Water Company’s Base Rate Proceeding (Motion for Extension). OCA asserted that a forty-five (45)

day extension of the statutory suspension period “is necessary to meet the mounting challenges

resulting from the COVID-19 pandemic.”[[3]](#footnote-3)

On June 1, 2020, the Coalition for Affordable Utility Services and Energy

Efficiency in Pennsylvania (CAUSE-PA) filed an Answer in Support of OCA’s Motion for

Extension.

On June 2, 2020, Michael Kurtz, Esquire, counsel for Intervenor AK Steel Corporation (AK Steel), filed a Motion for Admission *Pro Hac Vice* seeking the admission of Kurt J. Boehm and Jody Kyler Cohn as counsel for AK Steel in these proceedings.

On June 3, 2020, PAWC filed a Petition for Protective Order in these proceedings

and a Petition for Consolidation of Docket Nos. R-2020-3019369 and R-2020-3019371 into a

single proceeding.

On June 4, 2020, the Commission’s Bureau of Investigation and Enforcement (I&E) filed an Answer in Support of OCA’s Motion for Extension.

**Prehearing Conference**

The ALJ convened the prehearing conference as scheduled on June 4, 2020. Chief Administrative Law Judge E. Charles Rainey attended the conference to consider OCA’s

Motion for Extension. The following Parties participated in the conference:[[4]](#footnote-4)

|  |  |
| --- | --- |
| Party | Representative(s) |
| PAWC | Susan Simms Marsh, Esquire  Anthony C DeCusatis, Esquire  Kenneth M. Kulak, Esquire  Mark A. Lazaroff, Esquire |
| I&E | Carrie B. Wright, Esquire |
| OCA | Christine M. Hoover, Esquire  Erin L. Gannon, Esquire  Harrison W. Breitman, Esquire |
| Office of Small Business Advocate (OSBA) | Erin Fure, Esquire  Daniel G. Asmus, Esquire |
| Pennsylvania-American Water Large User Group (PAWLUG) | Adeolu A. Bakare, Esquire  Jo-Anne Thompson, Esquire |
| Jessica LaBarge | Self-represented |
| Jan K, Vroman | Self-represented |
| CAUSE-PA | Ria M Pereira, Esquire |
| AK Steel | Kurt J. Boehm, Esquire |

Prior to discussion of the litigation schedule, Chief ALJ Rainey received the Parties’ oral arguments on OCA’s Motion for Extension. After argument and deliberation, Chief ALJ Rainey granted OCA’s Motion for Extension on the record, thereby extending the statutory suspension period by forty-five (45) days, i.e., until March 15, 2021. Chief ALJ Rainey’s ruling was reduced to writing in the Order Granting the Office of Consumer Advocate’s Expedited Motion for an Extension of the Statutory Suspension Period of Pennsylvania-American Water Company’s Base Rate Proceeding, which was issued to the Parties on June 4, 2020.[[5]](#footnote-5)

The remainder of the conference resulted in the establishment of the litigation schedule and addressed other outstanding matters, as memorialized below.

**Litigation Schedule**

The litigation schedule will be as follows:

|  |  |
| --- | --- |
| **Date** | **Event** |
|  |  |
| June 4, 2020 | Prehearing Conference |
| Late August 2020 | 4 Days of Public Input Hearings over Webex Provided by PAWC  Exact Dates To Be Suggested by Counsel for PAWC and OCA |
| September 11, 2020 | Written Direct Testimony of All Non-Company Parties |
| October 6, 2020 | Written Rebuttal Testimony of All Parties |
| October 27, 2020 | Written Surrebuttal Testimony of All Parties |
| October 29, 2020 | Written Rejoinder or Rejoinder Outline |
| November 2-6, 2020 | Evidentiary Hearings (Including Oral Rejoinder) in Harrisburg beginning at 10:00 a.m. Hearing Room 2 |
| November 19, 2020 | Main Briefs Due |
| December 4, 2020 | Reply Briefs Due or Submission of Joint Settlement Petition Executed by Representatives of All Parties, Together with All Parties’ Statements in Support of Settlement |

**The Commission presently does not have access to regular mail because our offices are closed due to the COVID-19 pandemic, all Parties are encouraged to sign-up for e-filing and e-service. Please visit the Commission’s website at** [**www.puc.pa.gov**](http://www.puc.pa.gov) **for instructions.**

In accordance with the Commission’s March 20, 2020 Emergency Order, the Parties are to serve documents electronically.[[6]](#footnote-6) The documents described in the litigation schedule referenced above shall be served electronically on the date indicated by 4:00 p.m.

The Parties are reminded of the Commission’s requirements for the preparation and filing of written testimony. 52 Pa.Code § 5.412. Written testimony must be accompanied by all exhibits to which it relates. The above-stated dates are in-hand dates for electronic service on the Parties and the ALJ. The email address for the ALJ is [cojohnson@pa.gov](mailto:cojohnson@pa.gov). The ALJ will not accept facsimile transmissions. If the Parties have any questions, you may email his Legal Assistant Nicholas Miskanic at [nmiskanic@pa.gov](mailto:nmiskanic@pa.gov).

Any active Party, wishing to submit written testimony, pursuant to 52 Pa.Code § 5.412(f), is advised to comply with the Commission’s requirement concerning the electronic filing of written testimony as specified in the Commission’s Implementation Order, dated January 10, 2013, at Docket No. M-2012-2331973. Furthermore, the active Parties are reminded that active Parties serving pre-served testimony in proceedings pending before the Commission pursuant to 52 Pa.Code § 5.412(f), shall be required, within thirty (30) days after the final hearing in an adjudicatory proceeding (unless such time period is otherwise modified by the presiding officer), to either eFile with or provide to the Secretary’s Bureau a Compact Disc (CD) containing all testimony furnished to the court reporter during the proceeding. In addition to the testimony that is electronically submitted to the Commission either by eFiling or by the submission of a CD to the Secretary’s Bureau, Parties must continue to submit two copies of such testimony to the court reporter at the hearing of this matter.

The hearings scheduled for Harrisburg will begin promptly at 10:00 a.m. each day. The Parties must confer before commencement of the hearing to schedule their witnesses so

as to avoid “holes” or “dead time” during the hearing.

**Tariff Supplements Effective March 15, 2021**

In accordance with Chief ALJ Rainey’s June 4, 2020 Order mentioned above, **within 10 days of the date of this Order**, PAWC shall file with the Commission tariff supplements suspending rates proposed for Supplement No. 20 to Tariff Water – Pa. P.U.C. No. 5 and Supplement No. 20 to Tariff Wastewater – Pa. P.U.C. No. 16 until March 15, 2021.

**Protective Order**

There was no objection to PAWC’s Petition for Protective Order. Accordingly, the Petition will be granted in a separate Order.

**Intervention**

There was no objection to the Petitions to Intervene filed by the CAUSE-PA, the Commission on Economic Opportunity (CEO) and AK Steel. Accordingly, each Petition to Intervene is granted.

**Admission *Pro Hac Vice***

There was no objection to the Motion for Admission *Pro Hac Vice* filed by Attorney Michael Kurtz, counsel for Intervenor AK Steel. Accordingly, the Motion is granted.

Kurt J. Boehm, Esquire and Jody Kyler Cohn, Esquire are admitted *Pro Hac Vice* to represent AK Steel in this proceeding pursuant to 52 Pa.Code §§ 1.22 and 1.23 and Pa. B.A.R. 301(a).

**Consolidation of Rate Filings and Complaints**

There was no objection to PAWC’s Petition for Consolidation of Docket Nos. R-2020-3019369 and R-2020-3019371 into a single proceeding. Accordingly, PAWC’s Motion is granted. Docket No. R-2020-3029371 (Wastewater) is consolidated at Docket No. R-2020-3019369 (Water).

Also consolidated at Docket No. R-2020-3019369 (Water) are the Complaints filed by the designated Parties at the respective dockets below:

Office of Consumer Advocate – Docket No. C-2020-3019751

Office of Small Business Advocate – Docket No. C-2020-3019767

Jessica and Jeffrey LaBarge – Docket No. C-2020-3019627

Mr. and Mrs. Gerald S. Lepre, Jr. – Docket No. C-2020-3019646

Victoria Lozinak – Docket No. C-2020-3019778

Charles and Jennifer Spryn – Docket No. C-2020-3019905

William H. Rissmiller – Docket No. C-2020-3020198

Cherise H. Sympson – Docket No. C-2020-3020209

David Dollard – Docket No. C-2020-3020219

Jan K. Vroman – Docket No. C-2020-3020220

Pennsylvania-American Large User Group – Docket No. C-2020-3020238

Anna-Maria Rucci – Docket No. C-2020-3020245

**Parties**

The active Parties to this proceeding are as follows:

Pennsylvania-American Water Company (PAWC)

Commission’s Bureau of Investigation and Enforcement (I&E)

Office of Small Business Advocate (OCA)

Office of Small Business Advocate (OSBA)

Jessica and Jeffrey LaBarge

Charles and Jennifer Spryn

Jan K. Vroman

Pennsylvania-American Water Large User Group (PAWLUG)

Coalition for Affordable Utility Services and Energy Efficiency

in Pennsylvania (CAUSE-PA)

Commission on Economic Opportunity (CEO)

AK Steel Corporation (AK Steel)

The inactive Parties to this proceeding are as follows:

Mr. and Mrs. Gerald S. Lepre, Jr.

Victoria Lozinak

William H. Rissmiller

Cherise H. Sympson

David Dollard

Anna-Maria Rucci

In accordance with the Commission’s regulations and Prehearing Conference Order issued on May22, 2020, any party, unless excused, that did not appear at the June 4, 2020 Prehearing Conference is deemed an inactive participant to this proceeding.[[7]](#footnote-7) Inactive participants will receive the presiding ALJ’s written orders, notices of hearings and copies of any Commission decisions and orders. Inactive participants will not participate in discovery, testify at the evidentiary hearing, or cross-examine witnesses. Inactive participants will not receive

copies of the hearing exhibits or briefs filed by the active participants.

Service Lists for the active and inactive Parties are appended to this Order. The Parties are directed to monitor filings with the Commission’s Secretary’s Bureau and advise the

ALJ of any additional Complaints filed after the date of this Order.

**Public Input Hearing**

Legislative and consumer interest has been expressed in the convening of public input hearings. The Parties agreed upon the scheduling of 4 virtual, public hearings in late August 2020. PAWC agreed to provide a WebEx platform for conducting the public input hearings. Counsel for PAWC and OCA are to confer with each other and **within 10 days of this Order** provide for the ALJ’s consideration suggested public hearing dates and times for the public input hearings.

**Issues**

In their respective Prehearing Memorandums, various Parties identified issues they may wish to pursue. The reader is directed to those documents to review a recitation of those issues. Additional issues may arise as the discovery process unfolds.

**Discovery**

The active Parties shall engage in informal discovery whenever and wherever possible in an attempt to resolve any discovery disputes amicably. 52 Pa.Code § 5.322. If this process fails, the active Parties have recourse to the Commission’s procedures for formal discovery, as herein modified. 52 Pa.Code §§ 5.321, *et* *seq*. Except as herein allowed, the active Parties must not send the ALJ discovery material or cover letters, unless attached to a motion to compel or a motion for sanctions. All such motions must contain a certification of counsel of the informal discovery undertaken and their efforts to resolve their discovery disputes informally. If a motion to compel fails to contain such certification, the ALJ will contact the active Parties and direct them to pursue informal discovery.

OCA requested modification of the Commission’s procedures for formal

discovery. Other than PAWC’s exception to OCA’s proposal of a 10-day period instead of 15

days to answer written interrogatories, there was agreement to OCA’s proposed modifications. Therefore, OCA’s request is granted, except for the 10-day response time to answer written interrogatories. Therefore, the following discovery procedure, as modified, applies to this case:

1. Answers to written interrogatories shall be served in-hand within fifteen (15) calendar days of service. Discovery requests received after noon on a Friday will be deemed as served on the following Monday.
2. Objections to interrogatories shall be communicated orally within three (3) calendar days of service of the interrogatories; unresolved objections shall be served upon the ALJ within five (5) days of service of the interrogatories.
3. Motions to dismiss objections and/or direct the answering of interrogatories shall be filed within three (3) calendar days of service of such motions.
4. Answers to motions to dismiss objections and/or answering of interrogatories shall be filed within three (3) calendar days of service of such motions.

1. Responses to requests for document production, entry for inspection, or other purposes must be served in-hand within ten (10) calendar days of service.
2. Requests for admissions will be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service.
3. Answers to on-the-record data requests shall be served in-hand within seven (7) calendar days of the requests.

The active Parties must, in good faith and on an informal basis, attempt to resolve any discovery dispute amicably among themselves, before contacting the ALJ for resolution.[[8]](#footnote-8)

**Settlement and Stipulations**

The active Parties are reminded it is the Commission’s policy to encourage

settlements. 52 Pa.Code § 5.231(a). The active Parties are strongly urged to seriously explore this possibility. Submission of a Joint Settlement Petition executed by representatives of the active Parties, together with the active Parties’ Statements in Support of Settlement, must be filed with the Secretary for the Commission and received in-hand by the ALJ no later than the close of business on **December 4, 2020**. The Secretary must receive these documents on a CD ROM in searchable PDF format. In the event the Commission’s offices have reopened, active Parties must submit to the ALJ one hard copy of these documents and one copy by email. The electronic version of the documents served on the ALJ must be prepared in Microsoft Office Word format.

If settlement is not feasible, the active Parties are encouraged to stipulate to any matters they reasonably can to expedite this proceeding, lessen the burden of time and expenses in litigation on all Parties and conserve administrative hearing resources. 52 Pa.Code §§ 5.232 and 5.234. All stipulations agreed upon by the active Parties must be reduced to writing, signed by the active Parties to be bound thereby, and moved into the record during the hearings in this case. An exception to this requirement may occur when circumstances of time and expediency warrant. If so, an oral presentation of a stipulation is permissible, if it is followed by a reduction to writing as herein directed.

**Cross-Examination**

Friendly cross-examination or cumulative cross-examination will not be permitted. 52 Pa.Code §§ 5.76 & 5.243.

**Briefs and Rate Tables**

The active Parties must comply with 52 Pa.Code §§ 5.501, *et* *seq*., regarding the

preparation and filing of briefs. In addition to the mandatory contents set forth in 52 Pa. Code § 5.501(a), all main briefs, regardless of length, must contain:

1. Table of contents
2. History of the Proceeding
3. Discussion
4. Proposed findings of fact (with record citations to transcript pages or exhibits where supporting evidence appears)

1. Proposed conclusions of law (with citations to supporting statutes, regulations, or relevant case law.
2. Proposed ordering paragraphs, specifically identifying the relief sought.

All briefs are to comply with the “Instructions for Briefs” attached as Appendix A to this Order.

Page limitations on briefs will be discussed at the hearing. In the event the Commission’s offices have reopened, the parties shall submit to the ALJ one hard copy of their briefs and one copy by email. If a Party cannot provide a copy by email or on computer disc, it must submit two hard copies of briefs. **The electronic version of a brief must be prepared on in Microsoft Office Word 2016 format.** If any questions arise, please call the office of the email my Legal Assistant Nicholas Miskanic at [nmiskanic@pa.gov](mailto:nmiskanic@pa.gov) for clarification.

**Rate Case Tables** will be electronically provided to the parties. These Tables **must** be used by PAWC and all other active Parties in this proceeding. A Party’s failure to follow these instructions in the smallest detail will result in non‑consideration of that Party’s position, regardless of where the record may support it or the position of any other Party to this proceeding.

**Modification**

Any of the provisions of this Prehearing Order may be modified upon motion and good cause shown by any Party in interest.



Dated: June 15, 2020

**APPENDIX A**

**INSTRUCTIONS FOR BRIEFS**

Each brief shall follow the general organization shown herein.

Adjustments contained in each brief shall:

1. Be based on a specific test year, to be selected before the close of record
2. Be complete and self-contained
3. Include accurate reference to the appropriate record sources
4. Be on a before-income-tax basis

e. Be detailed to demonstrate the step-by-step calculation of that adjustment together with appropriate accurate record references

1. Include concomitant rate base, revenue, expense, depreciation expense, and tax adjustments set forth, together with the details of their calculation
2. Include with the brief those calculations which are the basis for proposed adjustments but which are incomplete on the record.

Tables showing all proposed base rate and income adjustments shall be submitted with each brief which includes such adjustments.

STANDARD FORMAT

1. Introduction
2. Summary of Argument
3. Rate Base
4. Fair Value
5. Plant in Service
6. Depreciation Reserve
7. Additions to Rate Base
8. Conclusion
9. Revenues
10. Expenses
11. Taxes
12. Rate of Return
13. Miscellaneous Issue(s)
14. Rate Structure
15. Cost of Service
16. Revenue Allocation
17. Tariff Structure
18. Summary and Alternatives
19. Conclusion

**R-2020-3019369, et al. - PA PUBLIC UTILITY COMMISSION v. PENNSYLVANIA AMERICAN WATER COMPANY*ACTIVE SERVICE LIST Revised 6/11/20***

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1. PAWC submits the new rates would become effective on January 28, 2021, if implemented at the end of its current suspension period, and the non-annualized increase in 2021 would be less than $92.4 million and the non-annualized total increase would be less than $138.6 million. [↑](#footnote-ref-1)
2. Due to the ongoing COVID-19 pandemic, the Commission’s offices were closed. Consequently, the prehearing conference was scheduled to convene telephonically. [↑](#footnote-ref-2)
3. For full review of OCA’s position in advancing the Motion for Extension, the reader is referred to the Motion, which as noted below was ruled upon by Chief Administrative Law Judge Charles E. Rainey during the conference. [↑](#footnote-ref-3)
4. On June 3, 2020, via email, Joseph L. Vullo, Esquire, counsel for the Commission on Economic Opportunity (CEO), requested that he be excused from participating in the conference because of conflict in his schedule related to another Commission proceeding. On June 4, 2020, Complainant Jennifer Spryn requested that she be excused from participating in the conference because of a medical appointment. Via email, both requests were granted. [↑](#footnote-ref-4)
5. For a full discussion of the ruling, the reader is referred to Chief ALJ Rainey’s Order granting OCA’s Motion for Extension. [↑](#footnote-ref-5)
6. *See Suspension of Regulatory and Statutory Deadlines; Modification to Filing and Service Requirements,* Docket No. M-2020-3019262, Emergency Order (Emergency Order issued March 20, 2020). [↑](#footnote-ref-6)
7. Section 5.245(a)(1) of the Commission’s regulations for conferences and hearings provides as follows:

   (a)  After being notified, a party who fails to be represented at a scheduled conference or hearing in a proceeding will:

   (1)  Be deemed to have waived the opportunity to participate in the conference or hearing.

   *See* 52 Pa.Code § 5.245(a)(1). [↑](#footnote-ref-7)
8. If the active Parties cannot resolve their discovery dispute informally, they may confer informally with the ALJ to resolve any outstanding discovery disputes. [↑](#footnote-ref-8)