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July 6, 2012

*Via Electronic and First Class Mail*

Honorable Christopher P. Pell  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
801 Market Street  
Philadelphia, PA 19107

RE: Pennsylvania Public Utility Commission v. Audubon Water Company;  
Docket Nos. R-2012-2286118 and C-2012-2291571; **JOINT STIPULATION  
FOR ADMISSION OF TESTIMONY AND EXHIBITS INTO THE  
EVIDENTIARY RECORD**

Dear Judge Pell:

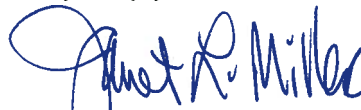
In connection with the above-captioned matter, enclosed is the original Joint Stipulation for Admission of Testimony and Exhibits into the Evidentiary Record (Joint Stipulation). The Joint Stipulation has been executed on behalf of the Pennsylvania Public Utility Commission's (Commission) Bureau of Investigation and Enforcement, the Pennsylvania Office of Consumer Advocate and Audubon Water Company, the only active parties to this proceeding. Copies of the Joint Stipulation are being filed with the Commission's Secretary's Bureau and will be provided as indicated on the attached Certificate of Service.

Concurrently herewith, the parties also are delivering to Your Honor the original Joint Petition for Full Settlement of Rate Proceeding and have filed one (1) verified copy of all the prepared testimony and exhibits previously served in this proceeding.

Honorable Christopher P. Pell  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
July 6, 2012  
Page Two

If you have any questions, please feel free to contact either of the undersigned.

Very truly yours,



Thomas J. Sniscak

Janet L. Miller

*Counsel for Audubon Water Company*

JLM/das  
Enclosure

cc: Per Certificate of Service

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the attached letter and the enclosed Joint Stipulation for Admission of Testimony and Exhibits into the Evidentiary Record upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

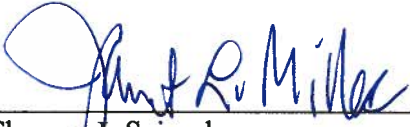
### *Via Electronic Filing and Hand Delivery*

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street – 2<sup>nd</sup> Floor North  
Harrisburg, PA 17105

### *Via Electronic and First Class Mail*

Charles Daniel Shields, Senior Prosecutor  
Investigation and Enforcement  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
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PO Box 3265  
Harrisburg, PA 17105-3265

Christine Maloni Hoover, Esquire  
Erin L. Gannon, Esquire  
Office of Consumer Advocate  
555 Walnut Street  
Forum Place, 5th Floor  
Harrisburg, PA 17101-1923

  
\_\_\_\_\_  
Thomas J. Sniscak  
Janet L. Miller

*Counsel for Audubon Water Company*

Dated this 6<sup>th</sup> day of July, 2012.

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission	:	
	:	Docket Nos. R-2012-2286118
v.	:	C-2012-2291571
	:	
Audubon Water Company	:	

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**JOINT STIPULATION FOR ADMISSION  
OF TESTIMONY AND EXHIBITS INTO THE EVIDENTIARY RECORD**

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This “Joint Stipulation For Admission of Testimony and Exhibits into the Evidentiary Record” (“Joint Stipulation”) is entered into by the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”), the Pennsylvania Office of Consumer Advocate (“OCA”) and Audubon Water Company (“Audubon” or “Company”) in connection with the above-captioned matter. I&E, OCA and Audubon are collectively referred to in this Joint Stipulation as the Joint Petitioners. The Joint Petitioners respectfully request that Administrative Law Judge Christopher P. Pell admit into the evidentiary record of this proceeding the previously distributed written testimony and exhibits prepared by each of the Joint Petitioners as identified below. In support of this request, the Joint Petitioners aver and state as follows:

1. On January 27, 2012, Audubon filed Tariff Water - Pa. PUC No. 4, to become effective March 27, 2012, containing proposed changes in rates, rules and regulations calculated to produce additional annual revenue of \$540,686, or an increase of approximately 27%.

2. By Order entered March 15, 2012, the Commission instituted a formal investigation into the Company's filing and suspended Tariff Water – Pa. PUC No. 4 until October 27, 2012, unless permitted by Commission Order to become effective at an earlier date.

3. The Commission assigned Administrative Law Judge Christopher P. Pell as the presiding officer in this case.

4. During a Prehearing Conference held on April 10, 2012, Administrative Law Judge Pell and the Joint Petitioners mutually agreed upon a procedural schedule for, *inter alia*, the submission of prepared testimony and the holding of evidentiary hearings. The procedural schedule was set forth in Administrative Law Judge Pell's April 24, 2012 Post Prehearing Conference Order.

5. In accordance with the procedural schedule, and in preparation for the evidentiary hearings to be held in this matter, the Joint Petitioners each served Administrative Law Judge Pell and each other with the following documents:

Audubon Water Company

Direct Testimony of Dennis M. Kalbarczyk  
*Audubon Statement DMK-1*  
*Audubon Water Company Exhibit No. 1*

Rebuttal Testimony of Dennis M. Kalbarczyk  
*Audubon Statement DMK-1R*  
*DMK-1R Exhibit 1, DMK-1R Exhibit 2,*  
*DMK-1R Exhibit 3*

Rebuttal Testimony of J.H. Russell  
*Audubon Statement JHR-1R*

Outline of Oral Rejoinder Testimony of  
Dennis M. Kalbarczyk  
*Audubon Statement DMK-1 RJ*

Bureau of Investigation and  
Enforcement

Direct Testimony of Amanda Gordon  
*I&E Statement No. 1*  
*I&E Exhibit No. 1, Schedules 1-17*

Surrebuttal Testimony of Amanda Gordon  
*I&E Statement No. 1-SR*  
*I&E Exhibit No. 1-SR, Schedule 1*

Direct Testimony of Debra Backer  
*I&E Statement No. 2*  
*I&E Exhibit No. 2, Schedules 1-9*

Surrebuttal Testimony of Debra Backer  
*I&E Statement No. 2-SR*

Direct Testimony of Jeremy B. Hubert  
*I&E Statement No. 3*  
*I&E Exhibit No. 3, Schedules 1-7*  
*(Non-Proprietary Version)<sup>1</sup>*

Surrebuttal Testimony of Jeremy B. Hubert  
*I&E Statement No. 3-SR*  
*I&E Exhibit No. 3-SR, Schedules 1-2*

Office of Consumer Advocate

Direct Testimony of Marilyn J. Kraus  
*OCA Statement 1*  
*OCA Exhibit MJK-1*

Surrebuttal Testimony of Marilyn J. Kraus  
*OCA Statement 1S*  
*OCA Exhibit MJK-1S*

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<sup>1</sup> I&E had distributed both Proprietary and Non-Proprietary versions of I&E Exhibit No. 3, but is only offering the Non-Proprietary version into the evidentiary record as part of this instant Joint Stipulation.

6. On June 19, 2012, one (1) day prior to the beginning of the scheduled evidentiary hearings, the Joint Petitioners were able to reach a comprehensive settlement of all issues raised in connection with Audubon's rate increase request ("Settlement"). On the basis of the Settlement, the hearings scheduled for Wednesday and Thursday, June 20 and 21, 2012, were cancelled and the Joint Petitioners have concurrently entered into a "Joint Petition For Full Settlement of Rate Proceeding" ("Joint Petition") setting forth the terms and conditions of their agreements. A copy of this Joint Stipulation will be attached to and will be incorporated into the Joint Petition.

7. 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 Pell 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 Audubon's rate increase request.

8. In order to further support the Settlement, the Joint Petitioners stipulate to the admission of the above-identified written testimony and exhibits prepared in connection with this proceeding by witnesses on behalf of I&E, OCA and Audubon into the evidentiary record of this proceeding. For this purpose, each Joint Petitioner has filed one (1) verified copy of the testimony and exhibits identified in Paragraph 5, above, with the Commission's Secretary's Bureau as directed by Administrative Law Judge Pell.

9. This Joint Stipulation may be executed in any number of counterparts, all of which taken together shall constitute one and the same instrument.

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 an Order or the inclusion of a provision in the Recommended Decision to be issued by Administrative Law Judge Christopher P. Pell in the above-captioned matter, the testimony statements and all exhibits of each Joint Petitioner referenced in Paragraph 5 of this Joint Stipulation 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 permitted 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 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 consent to the terms of this Joint Stipulation and represent that they are authorized to execute this Joint Stipulation on behalf of the respective clients for whom they sign.

**ON BEHALF OF AUDUBON WATER COMPANY:**



Dated: July 6, 2012

Thomas J. Sniscak (Atty. ID #33891)  
Janet L. Miller (Atty. ID #63491)  
Hawke McKeon & Sniscak LLP  
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tjsniscak@hmslegal.com  
jlmiller@hmslegal.com

**ON BEHALF OF THE BUREAU OF  
INVESTIGATION AND ENFORCEMENT:**



Dated: July 6, 2012

Charles Daniel Shields (Atty. ID #29363)  
Senior Prosecutor  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
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P.O. Box 3265  
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chshields@pa.gov

[SIGNATURES CONTINUED ON PAGE 7]

[SIGNATURES CONTINUED FROM PAGE 6]

**ON BEHALF OF THE OFFICE OF  
CONSUMER ADVOCATE:**

  
\_\_\_\_\_  
Christine Maloni Hoover (Atty. ID #50026)

Senior Assistant Consumer Advocate

Erin L. Gannon (Atty. ID #83487)

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Dated: July 6, 2012