**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:

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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***

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