

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17120**

**Petition of Pennsylvania-American
Water Company Wastewater
Operations for Approval of
Modification of Long-Term
Infrastructure Improvement Plan**

**Public Meeting December 19, 2019
2431005-ALJ
Docket No. P-2014-2431005**

**JOINT MOTION OF CHAIRMAN GLADYS BROWN DUTRIEUILLE
and COMMISSIONER RALPH V. YANORA**

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Petition of Pennsylvania-American Water Company Wastewater Operations (PAWC) seeking approval of a modification to its Long-Term Infrastructure Improvement Plan (LTIIP). PAWC filed its Petition for modification on December 12, 2018, seeking review and approval by the Commission. As is the process for uncontested LTIIPs, the Commission's Bureau of Technical Utility Services (TUS) began its review of the filing in totality to ensure it meets all enumerated requirements contained within Chapter 13 of the Public Utility Code, Commission Regulations at 52 Pa. Code § 121.1-121.8, and the Commission's Final Implementation Order of Act 11 of 2012.¹ However, shortly thereafter, the Commission's Bureau of Investigation and Enforcement (BIE) and the Office of Consumer Advocate (OCA) filed timely responses requesting hearings to adjudicate specific matters. The matter was then assigned to the Commission Office of Administrative Law Judge (OALJ) and did not proceed further before TUS.

On August 15, 2019, PAWC, BIE, OCA, and the Office of Small Business Advocate (the Joint Petitioners) filed a Joint Petition for Settlement that proposed to resolve all contested issues in the proceeding. The record closed on October 23, 2019, and OALJ issued its Recommended Decision on November 22, 2019. No exceptions or other opposition pleadings were filed in response.

In its Recommended Decision, the OALJ recommended the adoption of the Joint Petition for Settlement as filed. We concur with this aspect of the Recommended Decision and would approve the Joint Petition for Settlement as filed. However, we would not adopt Ordering Paragraph No. 2 of the Recommended Decision whereby the OALJ recommends that the Secretary mark the above-referenced docket number closed.

As is noted above, this matter was not subject to complete review by TUS because of its assignment to the OALJ for disposition of contested matters. As we state above, LTIIP petitions must meet all the unique requirements enumerated in statute, regulations, and Commission orders. The Recommended Decision provides that the Parties attempted to resolve all outstanding issues and seeks approval for the specific matters settled. As is the practice for a litigated LTIIP proceeding, the assigned ALJs focus on matters subject to dispute and do not attempt to analyze and approve the LTIIP in its entirety.

¹ Issued August 2, 2012 at Docket M-2012-2293611.

To ensure that the Petition complies with all LTIP requirements, the PAWC Petition should be referred back to TUS for review of LTIP issues or matters not addressed in the Joint Petition for Settlement. Accordingly, TUS should resume its review subject to the schedule applicable to the Petition at the time it was assigned to OALJ for review of disputed issues.

THEREFORE, We move that:

1. The Recommended Decision of Administrative Law Judges Joel H. Cheskis and Andrew M. Calvelli be adopted as it pertains to the August 15, 2019 Joint Petition for Settlement.
2. The matter at Docket No. P-2014-2431005 remain open subject to the completion of the Bureau of Technical Utility Service review of the December 12, 2018 Petition of Pennsylvania-American Water Company Wastewater Operations for Approval of Modification of Long-Term Infrastructure Improvement Plan.
3. The Pennsylvania-American Water Company Wastewater Operations file an Amended Long-Term Infrastructure Improvement Plan incorporating matters expressly resolved by the Joint Petition for Settlement with the Bureau of Technical Utility Services.
4. The Bureau of Technical Utility Service shall complete its review subject to the schedule in place at the time the proceeding was assigned to the Office of Administrative Law Judge for hearings in this matter and submit an order for Commission consideration.
5. The Office of Special Assistants prepare an Opinion and Order consistent with this Motion for issuance no later than twenty (20) days from the date of this Motion.

Date: December 19, 2019



**GLADYS BROWN DUTRIEUILLE
CHAIRMAN**



**RALPH V. YANORA
COMMISSIONER**