

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY	:	
COMMISSION	:	
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	:	Docket No. R-2020-3020919
	:	
AUDUBON WATER COMPANY	:	

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**PREHEARING MEMORANDUM  
OF LOWER PROVIDENCE TOWNSHIP**

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Pursuant to Section 333 of the Public Utility Code (66 Pa.C.S. §101, *et seq.*), and the Prehearing Conference Order issued on September 29, 2020 by the Administrative Law Judge Darlene Heep, Lower Providence Township provides the following information:

**I. INTRODUCTION**

Audubon Water Company (“Audubon”) is a water utility regulated by the Pennsylvania Public Utility Commission (“PUC”) serving approximately 3,138 residential, commercial, multi-family, and public customers in portions of Lower Providence Township and adjacent areas in Montgomery County. On July 20, 2020, Audubon filed Supplement No. 3 to Tariff Water- PA PUC No. 4 (“Supplement No. 3”) with the PUC slated to become effective on September 19, 2020. Supplement No. 3 calls for an increase in Audubon’s total operating revenues for water service by 41.1%, or about \$934.236. The PUC suspended the filing by operation of law until April 19, 2021 pursuant to Section 1308(d) of the Public Utility Code. The Pennsylvania Office of Consumer Advocate filed a formal complaint against Supplement No. 3 on August 19, 2020. Lower

Providence Township filed a formal complaint against Supplement No. 3 on September 17, 2020. A telephonic Prehearing Conference has been scheduled for October 30, 2020.

## **II. ISSUES**

Lower Providence Township questions whether Audubon is providing adequate, efficient, safe, and reasonable services to Lower Providence Township and its residence. Lower Providence Township is particularly concerned with the poor service and pressures at its fire hydrants. Lower Providence Township, through the Lower Providence Township Fire Department, has attempted to resolve the problems related to its hydrants with Audubon Water Company to no avail. Audubon Water Company has not been a willing or helpful participant in discussions related to poorly performing fire hydrants. Lower Providence Township has had difficulty obtaining even rudimentary documents relating to mapping of pipes and systems of hydrants, to say nothing about the actual performance issues related to the hydrants.

Lower Providence Township also questions the adequacy, efficiency, safety, and reasonableness of Audubon's services with respect to recordkeeping related to its facilities. Lower Providence Township is in the engineering stage of a major PennDOT funded project which will align Crawford and Eagleville Roads, creating a safer intersection. Lower Providence Township has requested facility locations from the three main utilities located in the project area: the Lower Providence Township Sewer Authority, PECO, and Audubon. Both the Lower Providence Township Sewer Authority and PECO have provided the Township with the requisite data to allow it to proceed with its project. Audubon, however, has been unable to produce maps showing the precise location of its pipes in the right-of-way and its wells to allow the Township to adequately plan for their complex project. Lower Providence Township has made numerous requests to Audubon to produce maps of their facilities. These requests have yet to be fulfilled. Audubon's

unwillingness to cooperate with the Township on this project has jeopardized the timeline for the project.

Finally, Lower Providence Township questions the rate Audubon's test year expenses, pro forma expense increases, rate base claim, rate of return claim, net operating income, and their proposed rate design.

### **III. WITNESSES**

Lower Providence Township intends to present the direct, rebuttal, and surrebuttal testimony, as may be necessary, of the following witnesses. Each witness will present testimony in written form and will attach various exhibits, documents, and explanatory information to assist in the development of Lower Providence Township's case.

Engineering, Mapping of Utility Facility Locations

Stephanie Butler, P.E.  
McMahon Associates  
425 Commerce Drive, Suite 200  
Fort Washington, PA 19034  
[sbutler@mcmahonassociates.com](mailto:sbutler@mcmahonassociates.com)  
Telephone: 215-283-9444 x1256

Fire Hydrant Service

Michael Rohlffing  
Fire Marshal- Lower Providence Township  
100 Parklane Drive  
Eagleville, PA 19403  
[mrohlffing@lowerprovidence.org](mailto:mrohlffing@lowerprovidence.org)  
Telephone: 610-539-8020

Lower Providence Township specifically reserves the right to call additional witnesses, as necessary. As soon as Lower Providence Township has determined whether an additional witness or witnesses will be necessary for any portion of its case, all parties of record will be notified.

**IV. SERVICE ON LOWER PROVIDENCE TOWNSHIP**

Lower Providence Township will be represented in this proceeding by John B. Rice, Esq.

All documents should be served on Lower Providence Township as follows:

John B. Rice, Esq.  
Grim, Biehn & Thatcher  
104 S. Sixth Street  
Perkasie, PA 18944  
[jrice@grimlaw.com](mailto:jrice@grimlaw.com)  
Telephone: 215-257-6811

**V. PUBLIC INPUT HEARINGS**

Lower Providence Township is not proposing a public input hearing at this time and considers its interests aligned with the residents of Lower Providence Township. If Lower Providence Township becomes aware of sufficient interest, Lower Providence Township will notify the Administrative Law Judge and all parties.

**VI. DISCOVERY**

To date, Lower Providence Township has not served any interrogatories on Audubon. Lower Providence Township may serve interrogatories with respect to its fire hydrant and utility facility mapping concerns. As soon as Lower Providence Township ascertains whether it will submit interrogatories and answers thereto, it will determine whether additional formal or informal discovery is needed. Lower Providence Township is unaware of any discovery requests served upon it by any other parties to this proceeding.

**VII. SETTLEMENT**

Lower Providence Township is willing to participate in settlement discussions.

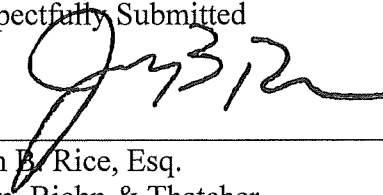
**VIII. SCHEDULE**

Lower Providence Township is amenable to the schedule proposed by the Administrative Law Judge in its Prehearing Conference Order.

<b>Evidentiary Hearing</b>	<b>Week of December 7, 2020</b>
<b>Close of Record</b>	<b>December 15, 2020</b>
<b>Main Briefs</b>	<b>January 7, 2021</b>
<b>Reply Briefs</b>	<b>January 18, 2021</b>
<b>Recommended Decision Due Date</b>	<b>February 18, 2021</b>

In the alternative, Lower Providence Township will cooperate all parties to arrive at a mutually agreeable procedural schedule and a date for a public input hearing.

Respectfully Submitted



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William Oetinger, Esq.  
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**CERTIFICATE OF  
SERVICE**

I hereby certify that I have this day served a true copy of the forgoing document upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party). This document has been filed electronically on the Commission's electronic filing system and served via electronic mail only on the following:

**VIA ELECTRONIC MAIL  
ONLY**

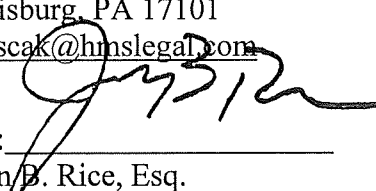
Christine Maloni Hoover, Esq.  
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Dated: October 28, 2020

Steven C. Gray, Esq.  
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