BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Pennsylvania-American Water :

Company-Wastewater Division under :

Section 1329 of the Pennsylvania Public : A-2020-3019634

Utility Code, 66 Pa. C.S.§ 1329, for the :

Acquisition of Royersford Borough’s Wastewater :

System Assets :

**PREHEARING ORDER #2**

History

On July 14, 2020, Pennsylvania-American Water Company – Wastewater Division (PAWC-WD), under Sections 1102 and 1329 of the Pennsylvania Public Utility Code (the Code), 66 Pa C.S. §§ 1102(a) and 1329, filed an application for approval of: (1) the transfer, by sale, of substantially all of the wastewater system assets, properties and rights of Royersford Borough related to its wastewater collection and treatment system; (2) the right of PAWC-WD to begin to offer or furnish wastewater service to the public in Royersford Borough and portions of Upper Providence Township, Montgomery County, Pennsylvania; and (3) for approval of the use for ratemaking purposes of the lesser fair market value or the negotiated purchase price of the Royersford Borough assets related to its wastewater collection and treatment system.

On July 21, 2020, the Bureau of Investigation and Enforcement (I&E) entered the appearance of Erica McLain, Esquire.[[1]](#footnote-1)

On July 29, 2020, the Office of Small Business Advocate (OSBA) filed a Notice of Intervention and entered the appearance of Sharon Webb, Esquire.

On July 29, 2020, the Office of Consumer Advocate (OCA) filed a Protest and Public Statement. It also entered the appearances of Christine Hoover, Esquire, Erin Gannon, Esquire, Harrison Breitman, Esquire and Santo Spataro, Esquire on its behalf.

On November 3, 2020, a Prehearing Conference Notice was sent to the parties indicating that a telephonic prehearing conference would be held on December 10, 2020 at 10:00 a.m. I issued a Prehearing Conference Order dated November 4, 2020, which laid out the procedures for the prehearing conference. The matter was assigned to Administrative Law Judge Marta Guhl.

On November 9, 2020, via letter, the Commission’s Secretary’s Bureau accepted the Application. The letter indicated that the Application would be published in the November 21, 2020 Pennsylvania Bulletin and that any protests to the Application would be due by December 7, 2020.

On November 12, 2020, the Borough of Royersford, through its attorneys, filed a Petition to Intervene in this matter.

On November 19, 2020, Robert Redinger, Jr. filed a Protest in this case.

On December 8, 2020, PAWC, I&E, OCA, OSBA and Royersford filed Prehearing Conference Memorandum in accordance with the November 4, 2020 Prehearing Conference Order.

Also, on December 8, 2020, PAWC filed a Petition for Protective Order which was dealt with in a separate Order.

A prehearing conference in this matter was held on December 10, 2020. Counsel for PAWC, I&E, OCA, OSBA, and Royersford participated.

The procedural schedule discussed at the Prehearing Conference on December 10, 2020, was memorialized in Prehearing Order #1 dated December 16, 2020.

On January 7, 2021, one public input hearing was held telephonically. One person presented an on the record statement.

On January 14, 2021, the parties informed me via email that they had reached a settlement in principle on all issues in the case. The parties requested that the evidentiary hearings be cancelled and the procedural schedule be suspended. This Order grants the requests of the parties and lays out the new schedule.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the hearings scheduled for January 15 and January 19, 2021 are cancelled.
2. That the procedural schedule from Prehearing Order #1 dated December 16, 2020 is suspended.
3. That the Joint Petition for Settlement and Statements in Support are to be filed on or before Friday, January 29, 2021.
4. That the parties should also serve the Joint Petition for Settlement and Statements in Support on the individual consumer protestant, Robert Redinger, Jr., at the same time.
5. That the parties are to file a Joint Stipulation of Facts with a comprehensive list of all documents and testimony that are to be admitted into the record for this matter on or before Friday, January 29, 2021.
6. That the Joint Stipulation of Fact and admission of evidence in this case will be dealt with in a separate order and that the order is to be attached to evidence of record that is filed with the Secretary’s Bureau by the parties.
7. That once the parties file the Joint Petition for Settlement, my office will contact the individual consumer protestant to determine his position on the Settlement.
8. That the individual consumer protestant will have until Monday, February 8, 2021 to submit any objections to the Joint Petition for Settlement.
9. That the parties will have until Wednesday, February 10, 2021 to submit any responses to the objections.
10. That an original copy of the Joint Petition for Settlement, Statements in Support and Joint Stipulation of Facts must be filed with the Secretary and one copy served on the presiding officers and the other parties no later than 4:00 p.m. on Friday, January 29, 2021. Service must be made electronically due to the Commission’s Emergency Order dated March 20, 2020.[[2]](#footnote-2)

Date: January 15, 2021

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Marta Guhl

Administrative Law Judge

**A-2020-3019634 - Section 1329 Application of Pennsylvania-American Water Company – Wastewater Division for the Acquisition of Royersford Borough’s Wastewater System Assets**

*(updated 12/11/20)*

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1. On August 11, 2020, John Coogan, Esquire, also entered his appearance on behalf of I&E. [↑](#footnote-ref-1)
2. Parties are directed to e-mail us a copy of their as-filed briefs in a WORD-formatted document in addition to ADOBE or other compatible PDF format. The format of the briefs served electronically on the parties may be as requested by the parties. [↑](#footnote-ref-2)