Via electronic service only due to Emergency Order at M-2020-3019262

BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of Aqua Pennsylvania, Inc. :

for Tariff Changes Authorizing :

Replacement of Customer-Owned Lead : P-2020-3021766

Service Lines :

**PREHEARING ORDER #2**

History

On September 3, 2020, Aqua Pennsylvania, Inc. (Petitioner or Aqua PA or Company) filed a Petition for Approval of Tariff Changes Authorizing Replacement of Customer-Owned Lead Service Lines (Petition) with the Pennsylvania Public Utility Commission (Commission). The Company requests that the Commission approve revisions to its Tariff-Water PA P.U.C. No. 2 that will authorize Aqua PA to replace customer-owned lead service lines (COLSL) and recover the associated costs as provided in 66 Pa.C.S. § 1311(b)(2), which was added to the Pennsylvania Public Utility Code (the Code) by the Pennsylvania General Assembly’s enactment of Act 120 of 2018 (Act 120). The proposed tariff revisions were attached to the Petition as Aqua Exhibit No. 1. Due to the ongoing planned replacement projects where the Company is encountering and expects to continue to encounter COLSL, Aqua Pa also requests that there is expedited review and approval for the Company to begin replacement of COLSL in its West Chester, Shenango, and Bristol systems.

On September 23, 2020, the Office of Consumer Advocate (OCA) filed an Answer to the Petition.

On October 5, 2020, the Bureau of Investigation and Enforcement (I&E) filed a Notice of Appearance for Gina L. Miller, Esquire.

On October 7, 2020, an Initial Call-In Telephonic Prehearing Conference Notice was issued indicating that a telephonic prehearing conference was schedule for Wednesday, October 21, 2020 at 2:00 p.m. and that the matter was assigned to me.

I issued a Prehearing Conference Order dated October 7, 2020, which laid out the procedures for the prehearing conference.

On October 19, 2020, the Office of Small Business Advocate (OSBA) filed a Notice of Intervention and Notice of Appearance for Erin Fure, Esquire.

Also on October 19, 2020, Aqua PA, I&E, OCA, and OSBA filed Prehearing Conference Memorandum in accordance with the October 7, 2020 Prehearing Conference Order.

A telephonic prehearing conference in this matter was held on October 21, 2020. Counsel for Aqua PA, I&E, OCA, and OSBA participated. I issued Prehearing Order # 1 on October 23, 2020, which laid out the discussions at the prehearing conference. The parties were reto provide a status update by November 20, 2020, as the parties held settlement discussions. The Company also submitted direct testimony on November 20, 2020.

The parties made multiple requests to hold the schedule in abeyance while they continued settlement negotiations. I granted these requests by electronic mail and directed the parties to provide continued status updates. The parties provided status updates on November 20, 2020, December 21, 2020, January 20, 2021 and February 19, 2021.

In the February 19, 2021 status update, the parties informed me that they had reached a full settlement in the case. I followed up with the parties via email on February 22, 2021 and directed that they provide me a timeline for the settlement documents by February 24, 2021.

On February 22, 2021, the parties provided a timeline for the filing of settlement documents. This Order memorializes the timeline for the filing of those documents.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Joint Petition for Settlement and Statements in Support are to be filed on or before Friday, April 23, 2021.
2. That the parties are to file a Joint Stipulation for Admission of Evidence with a comprehensive list of all documents and testimony that are to be admitted into the record for this matter on or before Friday, April 23, 2021.
3. That the Joint Stipulation for 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.
4. That an original copy of the Joint Petition for Settlement, Statements in Support and Joint Stipulation for Admission of Evidence must be filed with the Secretary and one copy served on the presiding officer and the other parties no later than 4:00 p.m. on Friday, April 23, 2021. Service must be made electronically due to the Commission’s Emergency Order dated March 20, 2020.[[1]](#footnote-1)
5. That the Statements in Support filed by the parties must include proposed Findings of Fact, proposed Conclusions of Law and proposed Ordering Paragraphs.
6. That, in the alternative, the parties may provide the proposed Findings of Fact, proposed Conclusions of Law and proposed Ordering Paragraphs as Appendices to the Joint Petition for Settlement.

Date: March 3, 2021

\_\_\_\_\_\_\_\_/s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Marta Guhl

Administrative Law Judge

**P-2020-3021766 - PETITION OF AQUA PENNSYLVANIA, INC FOR APPROVAL OF TARIFF CHANGES AUTHORIZING REPLACEMENT OF CUSTOMER-OWNED LEAD SERVICE LINES**

**UPDATED ON 10-23-20**

ANTHONY C DECUSATIS ESQUIRE  
KENNETH M KULAK ESQUIRE  
BROOKE E MCGLINN ESQUIRE

MORGAN LEWIS & BOCKIUS LLP

1701 MARKET STREET

PHILADELPHIA PA 19103-2921

215.963.5034

215.963.5384  
215.963.5404  
Accepts eService  
*Representing Aqua Pennsylvania, Inc*

CHRISTINE M HOOVER ESQUIRE

OFFICE OF CONSUMER ADVOCATE

5TH FLOOR FORUM PLACE

555 WALNUT STREET

HARRISBURG PA 17101

717.783.5048  
Accepts eService  
*Representing OCA*

GINA MILLER ESQUIRE

PA PUC BUREAU OF INVESTIGATION AND ENFORCEMENT

400 NORTH STREET

HARRISBURG PA 17120

717.783.8754  
Accepts eService  
*Representing BIE*

ERIN FURE ESQUIRE

555 WALNUT ST 1ST FLOOR

FORUM PLACE

HARRISBURG PA 17101

717.783.2525

Via e-mail only due to Emergency Order at M-2020-3019262  
[efure@pa.gov](mailto:efure@pa.gov)

*Representing OSBA*

1. Parties are directed to e-mail me a copy of their as-filed Statements in Support, Joint Petition for Settlement and Joint Stipulation for Admission of Evidence in a WORD-formatted document in addition to ADOBE or other compatible PDF format. The format of the settlement documents served electronically on the parties may be as requested by the parties. [↑](#footnote-ref-1)