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July 19, 2021

BY ELECTRONIC MAIL

Charles E. Rainey, Jr.
Chief Administrative Law Judge
Pennsylvania Public Utility Commission
Office of Administrative Law Judge
400 North Street
Harrisburg, PA 17120
crainey@pa.gov

Dennis J. Buckley
Administrative Law Judge
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Floor 2 West
Harrisburg, PA 17120
debuckley@pa.gov

RE: Community Utilities of Pennsylvania Inc. Water Division;
Docket No. R-2021-3025206
Community Utilities of Pennsylvania Inc. Wastewater Division;
Docket No. R-2021-3025207

JOINT PETITION FOR EXTENSION OF PROCEDURAL SCHEDULE

Dear Judge Rainey and Judge Buckley:

Enclosed you will find a Joint Petition for Extension of Procedural Schedule in the above - referenced proceedings.

Thank you for your attention to this matter. If you have any questions, please feel free to call either me or undersigned counsel.

Very truly yours,

/s/ Whitney E. Snyder

Thomas J. Sniscak (Attorney ID No. 33891)
Whitney E. Snyder (Attorney ID No. 316625)
Bryce R. Beard (Attorney ID No. 325837)

*Counsel for
Community Utilities of Pennsylvania Inc.*

BRB
Enclosures

cc: Rosemary Chiavetta, Secretary (efiling of letter and certificate of service only)
Per Certificate of Service

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission	:	
	:	
v.	:	Docket No. R-2021-3025206
	:	
Community Utilities of Pennsylvania Inc.	:	
– Water Division	:	
	:	
Pennsylvania Public Utility Commission	:	
	:	
v.	:	Docket No. R-2021-3025207
	:	
Community Utilities of Pennsylvania Inc.	:	
– Wastewater Division	:	

**JOINT PETITION OF COMMUNITY UTILITIES OF PENNSYLVANIA INC., THE
BUREAU OF INVESTIGATION AND ENFORCEMENT, THE OFFICE OF
CONSUMER ADVOCATE, AND THE SMALL BUSINESS ADVOCATE FOR
EXTENSION OF PROCEDURAL SCHEDULE**

To: Chief Administrative Law Judge Rainey and Administrative Law Judge Buckley:

Pursuant to 52 Pa. Code § (petitions) and the *Emergency Order Re Suspension of Regulatory and Statutory Deadlines; Modification to Filing and Service Requirements*, M-2020-3019262, at 2,¹ Community Utilities of Pennsylvania Inc. (CUPA), the Bureau of Investigation and Enforcement (BIE), the Office of Consumer Advocate (OCA), and the Office of Small Business Advocate (OSBA) (collectively, Joint Petitioners) respectfully request an extension of the procedural schedule in the above-captioned Section 1308(d) rate cases. This request only seeks extension of the procedural schedule beyond the statutory time frames in 66 Pa. C.S. 1308(d) with

¹ At the July 15, 2021 Public Meeting the Commission announced this Emergency Order would remain in effect until September 25, 2021.

allowance for CUPA to retroactively recover back to the original suspension date of January 12, 2022 any Commission-approved rate increase as a result of these proceedings.

Joint Petitioners seek expedited review and approval. Joint Petitioners are the only parties on the official service list, extension of the schedule does not present prejudice to any party, and the terms of this request are clearly warranted under recent Commission decisions.² Accordingly, Joint Petitioners seek Your Honor to issue an Order requiring any replies to this Petition be filed within 3 days and an Order ruling upon this Petition be issued within 5 days.

In support thereof, Joint Petitioners state as follows:

1. On April 13, 2021, CUPA filed for the above-captioned rate increases.
2. On May 13, 2021, a prehearing conference was held wherein Administrative Law

Judge Buckley adopted the following procedural schedule that Joint Petitioners had agreed upon:

Rate Filing	April 12, 2021
Prehearing Conference	May 13, 2021
Company Direct Testimony	June 11, 2021
Other Parties Direct Testimony	July 14, 2021
Rebuttal Testimony	July 28, 2021
Surrebuttal Testimony	August 6, 2021
Evidentiary Hearings	August 9-10, 2021
Main Briefs	September 3, 2021
Reply Briefs	September 13, 2021
Commission Public Meeting	December 16, 2021
End of Suspension Period	January 12, 2022

² *Pennsylvania Pub. Util. Comm'n v. Columbia Gas of Pennsylvania*, Docket Nos. R-2020-3018835 *et al.*, Opinion and Order entered Aug. 20, 2020. *Pennsylvania Pub. Util. Comm'n v. PAWC*, Docket Nos. R-2020-3019369 *et al.*, Opinion and Order entered Aug. 20, 2020.

3. At the time of the prehearing conference, the Joint Petitioners were not aware of any customer complaints having been filed against the rate cases.

4. After the prehearing conference and to date, more than 100 customer complaints have been received by the parties. Joint Petitioners believe the delayed service is likely due to issues with the U.S. Mail and complications from COVID-19 limiting the Commission's Secretary's Bureau access to the Commission offices to process filings submitted via U.S. Mail or other hard copy means. Another contributing factor may have been the timing of customer notice. Notice of the rate filing was initially provided to customers in May 2021. A second notice, which corrected the bill impact of the proposed increase, was provided to customers in June 2021.

5. A public input hearing was held on June 29, 2021. For the above reasons, Joint Petitioners were not initially aware of the level of interest by customers to testify at the public input hearing. There was approximately 5 hours of public input hearing testimony that evening, resulting in a 235-page transcript.

6. On July 6, 2021 ALJ Buckley convened a prehearing conference and Joint Petitioners agreed that an extension to the schedule was necessary to allow time for BIE, OCA, and OSBA to address in their Direct Testimony the public input hearing testimony.

7. The pre-existing procedural schedule did not allow for sufficient extension in order to allow the litigation to be completed with enough time for a Commission decision prior to the January 12, 2022 expiration of the statutory suspension period.

8. Accordingly, Joint Applicants agreed to an extension of the procedural schedule with the proviso that CUPA can recover any rate increase granted in these proceeding back to the original suspension date of January 12, 2022. Below is the proposed procedural schedule:

Other Parties Direct Testimony	August 13, 2021
Rebuttal Testimony	August 27, 2021
Surrebuttal Testimony	September 3, 2021
Rejoinder Outlines	September 7, 2021
Evidentiary Hearings	September 7-9, 2021
Main Briefs	October 1, 2021
Reply Briefs	October 12, 2021
Commission Public Meeting	February 3, 2022
End of Suspension Period	February 18, 2022

9. By Emergency Order dated March 20, 2020, in response to the COVID-19 pandemic, the Commission authorized the Chief ALJ in pending rate case litigation to establish reasonable deadlines under the circumstances after consideration of the positions of the parties and the presiding ALJ. *See, Emergency Order Re Suspension of Regulatory and Statutory Deadlines; Modification to Filing and Service Requirements*, M-2020-3019262, at 2. At its July 15, 2021 Public Meeting, the Commission announced this Order remains in effect until September 25, 2021.

10. Joint Applicants' request is substantially similar to at least two other requests granted by the Commission during the pandemic. In the 2019-2020 Columbia Gas of Pennsylvania (Columbia) base rate proceeding, BIE moved for an extension of the procedural schedule. Columbia argued that if the procedural schedule were extended that Columbia would be entitled to recoup its rate increase back to the original suspension date. On review of Columbia's Petition for Reconsideration of Staff Action, the Commission agreed. *Pennsylvania Pub. Util. Comm'n v. Columbia Gas of Pennsylvania*, Docket Nos. R-2020-3018835 *et al.*, Opinion and Order entered Aug. 20, 2020. Similarly, in the 2020 Pennsylvania American Water Company (PAWC) base rate

proceeding the OCA moved for extension of the statutory time period. PAWC argued that if the procedural schedule were extended that PAWC would be entitled to recoup its rate increase back to the original suspension date. On review of PAWC's Petition for Reconsideration of Staff Action, the Commission agreed. *Pennsylvania Pub. Util. Comm'n v. PAWC*, Docket Nos. R-2020-3019369 *et al.*, Opinion and Order entered Aug. 20, 2020.

11. Joint Petitioners do not at this time specify any particular mechanism for rate recovery and request that issue be presented through the parties' evidence.

12. Finally, Joint Petitioners seek expedited review and approval of this Motion and believe it is in the public interest so that the litigation can proceed as expeditiously as possible.

WHEREFORE, Joint Petitioners respectfully request:

1. The statutory procedural deadline be extended from January 12, 2022 to February 18, 2022.
2. CUPA be entitled to recover any rate increase ordered in these proceeding back to January 12, 2022, with the recovery mechanism to be determined at a later time; and
3. A ruling on this Petition as expeditiously as possible, but no later than 5 days from filing.

Respectfully Submitted,

<p><u>/s/ Whitney E. Snyder</u> Thomas J. Sniscak (Attorney ID No. 33891) Whitney E. Snyder (Attorney ID No. 316625) Bryce R. Beard (Attorney ID No. 325837) Hawke McKeon & Sniscak LLP 100 North Tenth Street Harrisburg, PA 17101 (717) 236-1300 tjsniscak@hmslegal.com wesnyder@hmslegal.com brbeard@hmslegal.com</p> <p><i>Counsel for Community Utilities of Pennsylvania Inc.</i></p>	<p> <u>Allison C. Kaster (Attorney ID No. 93176)</u> Public Utility Commission Bureau of Investigation and Enforcement 400 North Street Keystone Building Harrisburg, PA 17102 (717) 783-7998 akaster@pa.gov</p> <p><i>Counsel for Bureau of Investigation and Enforcement</i></p>
<p> <u>Erin L. Gannon (Attorney ID No. 83487)</u> Office of Consumer Advocate 555 Walnut Street 5th Floor, Forum Place Harrisburg, PA 17101-1923 (717) 783-5048 EGannon@paoca.org</p> <p><i>Counsel for Office of Consumer Advocate</i></p>	<p><u>/s/ Erin K. Fure</u> Office of Small Business Advocate 555 Walnut Street 1st Floor, Forum Place Harrisburg, PA 17101-1923 (717) 783-2525 efure@pa.gov</p> <p><i>Counsel for Office of Small Business Advocate</i></p>

Dated: July 19, 2021

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

BY ELECTRONIC MAIL ONLY

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/s/ Whitney E. Snyder

Thomas J. Sniscak
Whitney E. Snyder
Bryce R. Beard

Dated this 19th day of July, 2021