**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :

:

v. : R-2021-3025206

:

Community Utilities of Pennsylvania Inc. :

-Water Division :

Pennsylvania Public Utility Commission :

:

v. : R-2021-3025207

:

Community Utilities of Pennsylvania Inc. :

-Wastewater Division :

**ORDER GRANTING**

**THE JOINT PETITION FOR EXTENSION OF PROCEDURAL SCHEDULE**

On April 12, 2021, Community Utilities of Pennsylvania Inc. (CUPA) – Water Division filed with the Pennsylvania Public Utility Commission (Commission) a tariff supplement proposing to increase annual revenues by approximately $757,517 or 36.6%, effective June 12, 2021. On the same day, CUPA – Wastewater Division filed with the Commission a tariff supplement proposing to increase annual revenues by $998,705 or 37.4%, effective June 12, 2021. By Orders entered May 6, 2021, the Commission suspended both tariff supplements for investigation until January 12, 2022, pursuant to Section 1308(d) of the Public Utility Code, 66 Pa.C.S. § 1308(d). The assigned administrative law judge (ALJ) Dennis Buckley issued an order on June 1, 2021, consolidating the proceedings.

On July 19, 2021, CUPA, the Bureau of Investigation and Enforcement (I&E), the Office of Consumer Advocate (OCA), and the Office of Small Business Advocate (OSBA) filed a Joint Petition for Extension of Procedural Schedule. (Petition). On July 19, 2021, ALJ Buckley

issued an order directing that any replies or answers to the Petition be filed by 4:30 p.m. on July 21, 2021. No replies or answers to the Petition were filed.

Joint Petitioners request an extension of the statutory suspension period from January 12, 2022, to February 18, 2022, in order to extend the procedural schedule and give the parties more time to litigate this case. Joint Petitioners contend that more time is required for the litigation of this case than was originally established because they have since become aware of a high level of customer interest in this case. Petition at 3, ¶¶ 4-5. Joint Petitioners state that they have “agreed to an extension of the procedural schedule with the proviso that CUPA can recover any rate increase granted in these proceeding[s] back to the original suspension date of January 12, 2022.” Petition at 3, ¶ 8. In support of this position the Joint Petitioners cite to *Pa. PUC v.* *Columbia Gas of Pa.*, R-2020-3018835 (Opinion and Order entered August 20, 2020); and *Pa. PUC v. Pennsylvania-American Water Co.*, R-2020-3019369 (Opinion and Order entered August 20, 2020). Joint Petitioners state that they “do not at this time specify any particular mechanism for rate recovery and request that issue be presented through the parties’ evidence.” Petition at 5, ¶ 11.

ALJ Buckley has informed me that he supports granting the Petition for Extension of Procedural Schedule.

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. By Order entered July 15, 2021, at M-2020-3019262, the Commission extended until September 30, 2021, the Chief ALJ’s authority to establish reasonable deadlines.

Regarding the present pending rate case litigation, after consideration of the positions of the parties and ALJ Buckley, I find it reasonable under the circumstances to grant the Petition and extend the statutory suspension period from January 12, 2022, to February 18, 2022, to allow the parties more time to litigate this case, with the proviso that CUPA can recover any rate increase granted in these proceedings back to the original suspension date of January 12, 2022.

Any party dissatisfied with my resolution of this matter may, as set forth in 52 Pa. Code §§ 1.31 and 5.44, file a Petition for Reconsideration from Staff Action with the Commission within twenty (20) days from the date of service of this Order. The Petition shall be sent via email or e-filing only. The email should be addressed to: [rchiavetta@pa.gov](mailto:rchiavetta@pa.gov). If no timely request is made, this Order will be deemed a final action of the Commission.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Joint Petition of Community Utilities of Pennsylvania Inc., the

Bureau of Investigation and Enforcement, the Office of Consumer Advocate, and the Office of Small Business Advocate for Extension of Procedural Schedule is granted.

1. That the statutory suspension period is extended from January 12, 2022, to

February 18, 2022.

1. That Community Utilities of Pennsylvania Inc. can recover any rate

increase granted in these proceedings back to the original suspension date of January 12, 2022, with the recovery mechanism to be determined at a later time.

1. That any party dissatisfied with my resolution of this matter may, as set

forth in 52 Pa. Code §§ 1.31 and 5.44, file a Petition for Reconsideration from Staff Action with the Commission within twenty (20) days from the date of service of this Order. The Petition shall be sent via email or e-filing only. The email should be addressed to: [rchiavetta@pa.gov](mailto:rchiavetta@pa.gov). If no timely request is made, this Order will be deemed a final action of the Commission.

Date: July 22, 2021 /s/

Charles E. Rainey Jr.

Chief Administrative Law Judge

**R-2021-3025206, R-2021-3025207 – PENNSYLVANIA PUBLIC UTILITY COMMISSION v. COMMUNITY UTILITIES OF PENNSYLVANIA, INC.**

*REVISED 7/22/21*

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