**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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| Pennsylvania Public Utility Commission, et al.  v.  Community Utilities of Pennsylvania Inc. | R-2021-3025206 |

|  |  |
| --- | --- |
| Pennsylvania Public Utility Commission, et al.  v.  Community Utilities of Pennsylvania Inc. Wastewater Division | R-2021-3025207 |

**ORDER**

This Order is issued pursuant to the authority of presiding officers at 52 Pa. Code § 5.483.

On September 30, 2021, the active parties-litigant in this consolidated proceeding, Community Utilities of Pennsylvania, Inc. (CUPA), the Office of Consumer Advocate (OCA), the Office of Small Business Advocate (OSBA) and the Commission’s Bureau of Investigation and Enforcement (I&E) advised the undersigned by email that they have agreed on a comprehensive, unanimous term sheet resolving all issues in this proceeding. The parties requested: (1) an extension of the deadline of the filing of a Joint Petition for Settlement until October 12, 2021; (2) the preparation by the OCA of a letter providing instructions concerning customer-Complainants’ opportunity to address the proposed Settlement, to be served electronically to all Complainants on October 12, 2021; and, (3) a request that the briefing schedule in this matter be suspended.

The date of the issuance of this Order, October 1, 2021, is the date by which Main Briefs in this matter were to have been filed. The parties are well aware of the statutory deadlines in this matter. They must also be aware that their requests impinge on the time available for deliberation and decision by the presiding officer in preparing a Recommended Decision for consideration by the Commission. While I understand the complexities of attempting to negotiate a settlement of this case, there is more to this than facilitating the settlement negotiations of the parties.

A thorough analysis of any proposed Settlement and the preparation of a Recommended Decision assessing whether the proposed Settlement is in the public interest is essential. On September 8, 2021, the date of a hearing at which the testimony and exhibits of the parties were admitted to the record, I asked that I be notified of any prospective settlement as soon as practicable. Tr. at 268-269. Perhaps September 30, 2021, was the soonest date practicable, but another effect of this is not only the impingement on the time for judicial deliberation but the *de facto* waiver of the filing of briefs. Thus, the request for suspension of the briefing schedule is moot.

I am, frankly, also concerned that in making their request, the parties stated: “We are in the process of preparing the full set of settlement documents, proposed rates and tariffs, and statements in support.” It would now appear that, “in the process,” refers not only to document drafting but to ongoing negotiation and finalization of settlement terms. I trust that there will be actual agreement with respect to specific rate proposals and all other issues by October 12, 2021.

The request for an extension of time until October 12, 2021, to file the Joint Petition for Settlement and the proposed Joint Settlement is granted. This date will not be subject to extension.

A hearing has been scheduled for 10:00 a.m. on Tuesday, October 5, 2021.[[1]](#footnote-1) The purpose of the hearing is solely to address procedural issues, including affording the OCA an opportunity to explain to any attendees how customer-Complainants will be enabled to file comments to, and opposition to or support of, the proposed Settlement.[[2]](#footnote-2) This is not an evidentiary hearing. Further, no argument will be heard with respect to the issues in this case.

THEREFORE,

IT IS ORDERED:

1. That a telephonic conference for the discussion and resolution of any procedural issues in contemplation of the filing of a Petition for Settlement and a Joint Settlement in this matter will convene at 10:00 a.m. on October 5, 2021, consistent with the terms of this Order.

Date: October 1, 2021 \_\_\_\_\_/s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dennis J. Buckley

Administrative Law Judge

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

*Revised: July 22, 2021*

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1. The hearing has already been scheduled and noticed. [↑](#footnote-ref-1)
2. I am confident that the OCA will also include comprehensive instructions in this respect in the email that it will circulate after the filing to Complainants of the proposed Settlement. [↑](#footnote-ref-2)