



THOMAS, NIESEN & THOMAS, LLC

Attorneys and Counsellors at Law

THOMAS T. NIESEN
Direct Dial: 717.255.7641
tniesen@tntlawfirm.com

November 19, 2021

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: PaPUC Docket No. P-2021-3026854
Petition of The Borough of Hanover – Hanover Municipal Water Works for Approval of a
Distribution System Improvement Charge

PaPUC Docket No. C-2021-3027810
Hanover Foods Corporation v. The Borough of Hanover – Hanover Municipal Water Works

Dear Secretary Chiavetta:

We are counsel to the Borough of Hanover – Hanover Municipal Water Works in the above matter and are submitting, via electronic filing with this letter, the Joint Motion of the Borough, the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate and Hanover Foods Corporation for Admission of Testimony and Exhibits. Copies of the Joint Motion are being served upon the persons and in the manner set forth on the certificate of service attached to it.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By

Thomas T. Niesen

cc: Certificate of Service (w/encl.)
The Honorable F. Joseph Brady, Administrative Law Judge (via email, w/encl.)
Nan Dunford (via email, w/encl.)

Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION

**Administrative Law Judge
F. Joseph Brady, Presiding**

Petition of The Borough of Hanover for :
Approval of a Distribution System : **Docket No. P-2021-3026854**
Improvement Charge :

Hanover Foods Corporation v. The :
Borough of Hanover – Hanover : **Docket No. C-2021-3027810**
Municipal Water Works :

**JOINT MOTION OF THE BOROUGH OF HANOVER – HANOVER MUNICIPAL
WATER WORKS, THE BUREAU OF INVESTIGATION AND ENFORCEMENT,
THE OFFICE OF CONSUMER ADVOCATE, THE OFFICE OF SMALL
BUSINESS ADVOCATE AND HANOVER FOODS CORPORATION
FOR ADMISSION OF TESTIMONY AND EXHIBITS**

TO THE HONORABLE F. JOSEPH BRADY, ADMINISTRATIVE LAW JUDGE:

AND NOW come the Bureau of Investigation and Enforcement of the Public Utility Commission (“I&E”), the Office of Consumer Advocate (“OCA”), the Office of Small Business Advocate (“OSBA”), Hanover Foods Corporation (“HFC”) and the Borough of Hanover – Hanover Municipal Water Works (“Hanover” or “Borough”) (collectively, the “Moving Parties”), by their respective attorneys, to submit this Joint Motion for Admission of Testimony and Exhibits. In support of their Joint Motion, the Moving Parties submit as follows:

1. This proceeding concerns the Petition of the Borough of Hanover for Approval of a Distribution System Improvement Charge (“DSIC”), filed with the Public Utility Commission (“Commission” or “PUC”) on June 29, 2021, and the Complaint of HFC, filed with the Commission on August 9, 2021.

2. A Call-In Telephonic Prehearing Conference was convened on September 16, 2021, with Administrative Law Judge F. Joseph Brady presiding. Hanover, I&E, OCA, OSBA and HFC participated in the Conference. At the request of the parties, Judge Brady postponed the creation of a litigation schedule to facilitate settlement discussions.

3. By email correspondence on October 28, 2021, counsel for the Borough advised Judge Brady that the Borough, I&E, OCA, OSBA and HFC had agreed to settlement terms resolving the proceeding.

4. In conjunction with the Joint Petition for Approval of Settlement (“Joint Petition”) filed November 19, 2021, the Moving Parties hereby move for admission into the evidentiary record of the Statements of Testimony and Exhibits identified in the Stipulation for Admission of Testimony and Exhibits (“Stipulation”) attached hereto as Appendix A.


5. As presented in the Stipulation, the Moving Parties have stipulated to the authenticity of the Statements of Testimony and Exhibits listed therein and have waived cross-examination of the witnesses sponsoring those statements and exhibits, subject to the provisions of Paragraph 14 of the Joint Petition (which addresses further proceedings in the event the Commission were to disapprove the Settlement).

6. The Moving Parties request that Judge Brady grant this Motion and admit into the evidentiary record the Statements of Testimony and Exhibits listed in the Stipulation. Upon issuance of an Order granting this Motion, copies of the Statements of Testimony and Exhibits, together with verifications, will be e-filed with the Secretary of the Commission.


WHEREFORE the Bureau of Investigation and Enforcement of the Public Utility Commission, the Office of Consumer Advocate, the Office of Small Business Advocate, Hanover

Foods Corporation and the Borough of Hanover – Hanover Municipal Water Works request that Administrative Law Judge Brady grant this Motion as aforesaid.

**BOROUGH OF HANOVER –
HANOVER MUNICIPAL WATER
WORKS**

By: 
Thomas T. Niesen, Esquire

**THE BUREAU OF INVESTIGATION
AND ENFORCEMENT**

By: 
Erika L. McLain, Prosecutor

OFFICE OF CONSUMER ADVOCATE

By: _____
Erin L. Gannon
Senior Assistant Consumer Advocate
Laura J. Antinucci
Assistant Consumer Advocate

**OFFICE OF SMALL BUSINESS
ADVOCATE**

By: /s/ Steven C. Gray

Steven C. Gray
Senior Supervising
Assistant Small Business Advocate

HANOVER FOODS CORPORATION

By: _____
Charis Mincavage, Esquire
Kenneth R. Stark, Esquire

Date: November 19, 2021

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Date: November 19, 2021

APPENDIX A

**Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Administrative Law Judge
F. Joseph Brady, Presiding**

Petition of The Borough of Hanover for :
Approval of a Distribution System : **Docket No. P-2021-3026854**
Improvement Charge :

Hanover Foods Corporation v. The :
Borough of Hanover – Hanover : **Docket No. C-2021-3027810**
Municipal Water Works :

**JOINT STIPULATION OF THE BOROUGH OF HANOVER – HANOVER MUNICIPAL
WATER WORKS, THE BUREAU OF INVESTIGATION AND ENFORCEMENT,
THE OFFICE OF CONSUMER ADVOCATE, THE OFFICE OF SMALL
BUSINESS ADVOCATE AND HANOVER FOODS CORPORATION
FOR ADMISSION OF TESTIMONY AND EXHIBITS**

On November 19, 2021, the Bureau of Investigation and Enforcement of the Public Utility Commission (“I&E”), the Office of Consumer Advocate (“OCA”), Hanover Foods Corporation (“HFC”) and the Borough of Hanover – Hanover Municipal Water Works (“Hanover” or “Borough”) (collectively, with the Office of Small Business Advocate (“OSBA”), the “Stipulating Parties”), filed a Joint Petition for Approval of Settlement at the above referenced docket.¹ The Stipulating Parties, being all of the parties to this proceeding, hereby stipulate to the authenticity of the following Exhibit that includes Statements of Testimony (the “Listed Exhibits and Statements”):

¹ The OSBA, which intervened in the proceeding, does not oppose the Joint Petition for Approval of Settlement.

For the Borough:

Borough of Hanover Exhibit 1 – Petition for Approval of a Distribution System Improvement Charge (“DSIC”)

Appendix A – Proposed DSIC Tariff Supplement

Appendix B – Long-Term Infrastructure Improvement Plan

Appendix C – Testimony of Harold Walker

Appendix D – Testimony of Michael J. Mehaffey


Verifications of Mr. Walker and Mr. Mehaffey

Additionally, the Stipulating Parties acknowledge and agree that they waive cross-examination with respect to the Listed Statements and Exhibits subject to the exception stated in Paragraph 14 of the Joint Petition if the Commission were to reject the Joint Petition and further stipulate that the Listed Statements and Exhibits should be admitted into the record in this case by Motion.


Accordingly, this Stipulation for Admission of Testimony and Exhibits is hereby executed

by counsel for the respective parties set forth below.

**BOROUGH OF HANOVER –
HANOVER MUNICIPAL WATER
WORKS**

By: 
Thomas T. Niesen, Esquire

**THE BUREAU OF INVESTIGATION
AND ENFORCEMENT**

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OFFICE OF CONSUMER ADVOCATE

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By: _____
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CERTIFICATE OF SERVICE

I hereby certify that I have this 19th day of November 2021 served a true and correct copy of the foregoing Motion for Admission of Testimony and Exhibits, upon the persons and in the manner indicated below:

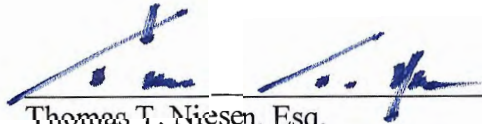
VIA ELECTRONIC MAIL

Erika L. McLain, Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
ermclain@pa.gov

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Assistant Consumer Advocate
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Senior Assistant Consumer Advocate
Office of Consumer Advocate
lantinucci@paoca.org
egannon@paoca.org

Steven C. Gray
Senior Supervising
Assistant Small Business Advocate
Office of Small Business Advocate
sgray@pa.gov

Charis Mincavage, Esq.
Kenneth R. Stark, Esq.
McNees, Wallace & Nurick
CMincavage@mcneeslaw.com
KStark@mcneeslaw.com



Thomas T. Niesen, Esq.
PA Attorney ID No. 31379
*Counsel for The Borough of Hanover – Hanover
Municipal Water Works*