

December 6, 2021

Via Electronic Filing

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

Re: PaPUC Docket No. R-2021-3026116, *et al.*
Pa. P.U.C., *et al.* 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**

Pennsylvania Public Utility Commission	:	Docket No. R-2021-3026116
Office of Consumer Advocate	:	Docket No. C-2021-3027274
Office of Small Business Advocate	:	Docket No. C-2021-3027361
Hanover Foods Corporation	:	Docket No. C-2021-3027807
	:	
v.	:	
	:	
The Borough of Hanover – Hanover	:	
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 involves the Borough’s Supplement No. 32 to Tariff Water-Pa. P.U.C. No. 3 (“Supplement No. 32”) filed on June 29, 2021. Supplement No. 32 would increase the Borough’s jurisdictional water revenue by \$1,563,100.

2. Administrative Law Judge F. Joseph Brady was assigned to preside over the Public Utility Commission's ("Commission") investigation of the proposed rate increase.

3. By email correspondence of November 1, 2021, counsel for the Borough advised Judge Brady that the Moving Parties had agreed to settlement terms resolving the proceeding. Hearings scheduled for November 4 and 5, 2021, were cancelled.

4. In conjunction with the Joint Petition of the Moving Parties for Approval of Settlement ("Joint Petition") filed December 6, 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 23 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 requests 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: December 6, 2021

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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 December 6, 2021, 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 “Stipulating Parties”), filed a Joint Petition for Approval of Settlement at the above referenced docket. The Stipulating Parties, being all of the parties to this proceeding, hereby stipulate to the authenticity of the following Statements of Testimony and Exhibits (the “Listed Statements and Exhibits):

For the Borough:

Statements of Testimony and Related Exhibits (Verifications for the Statements of Testimony and Related Exhibits are attached to the Statements of Testimony)

Borough of Hanover Statement No. 1 – Direct Testimony of Michael J. Mehaffey

Borough of Hanover Statement No. 1-R – Rebuttal Testimony of Michael J. Mehaffey

Borough of Hanover Statement No. 2 – Direct Testimony of Gregory R. Herbert

Borough of Hanover Exhibit GRH-1 – Rate Study and Data in Support of Proposed Supplement No. 32 to Tariff Water – Pa. P.U.C. No. 3

Borough of Hanover Exhibit GRH-2 – Responses to Filing Requirements Required Under 52 Pa. Code § 53.53 of the Pennsylvania Public Utility Commission Tariff Regulations

Borough of Hanover Statement No. 2-R – Rebuttal Testimony of Gregory R. Herbert with attached Exhibit GRH-1-R

Borough of Hanover Statement No. 3 – Direct Testimony of Constance E. Heppenstall

Borough of Hanover Exhibit CEH-1 – Cost of Service Allocation Study for the Fully Projected Future Test Year Ended December 31, 2022

Borough of Hanover Statement No. 3-R – Rebuttal Testimony of Constance E. Heppenstall

Borough of Hanover Statement No. 4 – Direct Testimony of John J. Spanos

Borough of Hanover Exhibit JJS-1 – Depreciation Study as of December 31, 2020

Borough of Hanover Exhibit JJS-2 – Depreciation Study as of December 31, 2021

Borough of Hanover Exhibit JJS-3 – Depreciation Study as of December 31, 2022

Borough of Hanover Statement No. 5 – Direct Testimony of Harold Walker, III

Borough of Hanover Exhibit HW-1 – Rate of Return

Borough of Hanover Statement No. 5-R – Rebuttal Testimony of Harold Walker, III

Exhibits

Borough of Hanover Exhibit 1 – Supplement No. 32 to Tariff Water – Pa. P.U.C No. 3

Borough of Hanover Exhibit 2 – Notice to Customers

For I&E:

I&E Statement No. 1 – The Direct Testimony of Zachari Walker

I&E Exhibit No. 1 – The Exhibit to accompany the Direct Testimony of Zachari Walker

I&E Statement No. 1-SR – The Surrebuttal Testimony of Zachari Walker

I&E Exhibit No. 1-SR – The Exhibit to accompany the Surrebuttal Testimony of Zachari Walker

Verification of Zachari Walker

I&E Statement No. 2 – The Direct Testimony of Christopher Keller

I&E Exhibit No. 2 – The Exhibit to accompany the Direct Testimony of Christopher Keller

I&E Statement No. 2-SR – The Surrebuttal Testimony of Christopher Keller

Verification of Christopher Keller

I&E Statement No. 3 – The Direct Testimony of Esyan A. Sakaya

I&E Exhibit No. 3 – The Exhibit to accompany the Direct Testimony of Esyan A. Sakaya

Verification of Esyan A. Sakaya

For OCA:

Statements of Testimony and Related Exhibits and Verifications

OCA Statement 1 – Direct Testimony of Stacy L. Sherwood

Appendix A – Resume of Stacy L. Sherwood

Appendix B – Schedules SLS-1 to SLS-11

Verification of Stacy L. Sherwood

OCA Statement 1SR – Surrebuttal Testimony of Stacy L. Sherwood

OCA Schedule SLS-1SR to SLS-2SR, and SLS-11SR

Verification of Stacy L. Sherwood

OCA Statement 2 – Direct Testimony of David J. Garrett

Appendix A – Discounted Cash Flow Model Theory

Appendix B – Capital Asset Pricing Model Theory

OCA Exhibits DJG-1 to DJG-17

Verification of David J. Garrett

OCA Statement 2SR – Surrebuttal Testimony of David J. Garrett

Verification of David J. Garrett

OCA Statement 3 – Direct Testimony of Jerome D. Mierzwa

OCA Schedule JDM-1

Verification of Jerome D. Mierzwa

OCA Statement 3SR – Surrebuttal Testimony of Jerome D. Mierzwa

Verification of Jerome D. Mierzwa

OCA Statement 4 – Direct Testimony of Terry L. Fought

Appendix A – Background and Qualifications

OCA Exhibits TLF-1 to TLF-3

Verification of Terry L. Fought

OCA Statement 4SR – Surrebuttal Testimony of Terry L. Fought

Verification of Terry L. Fought

For OSBA:

OSBA Statement No. 1 – Direct Testimony of Brian Kalcic

OSBA Exhibit BK-1, containing Schedules BK-1 & BK-2

Appendix – Qualifications of Brian Kalcic

Verification of Brian Kalcic

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 23 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
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Hanover Foods Corporation	:	Docket No. C-2021-3027807
	:	
v.	:	
	:	
The Borough of Hanover – Hanover	:	
Municipal Water Works	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this 6th day of December 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:

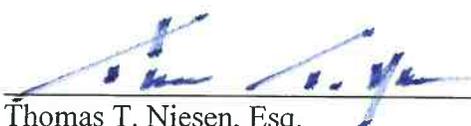
VIA ELECTRONIC MAIL

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