

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17120**

APPLICATION OF PENNSYLVANIA-AMERICAN WATER COMPANY FOR APPROVAL OF THE RIGHT TO OFFER, RENDER, FURNISH AND SUPPLY WASTEWATER TREATMENT SERVICE TO THE PUBLIC IN AN ADDITIONAL PORTION OF ELK TOWNSHIP, CLARION COUNTY, PENNSYLVANIA

**PUBLIC MEETING OF JANUARY 12, 2023
3030364-OSA
DOCKET NO. P-2022-3030364**

STATEMENT OF VICE CHAIRMAN STEPHEN M. DeFRANK

The instant Petition seeks reconsideration of the Pennsylvania Public Utility Commission's (Commission) August 25, 2022 Order (August 2022 Order), which grants the Pennsylvania-American Water Company's (PAWC) application to serve an additional portion of Elk Township, Clarion County. In approving the application, the Commission also directed PAWC to file a report addressing violations indicated by the Pennsylvania Department of Environmental Protection (DEP) at PAWC's Norristown Water Treatment Plant.

In this instance, there is no record evidence to support directing PAWC to file a report addressing the DEP violations as part of this proceeding. Further, PAWC was not notified that the DEP violations, which are not a part of the record before the Commission, would be relied upon by the Commission in its August 2022 Order. Consequently, PAWC did not receive an opportunity to respond to the violations prior to the entry of the August 2022 Order.

While the Commission enjoys great latitude in imposing conditions that are just and reasonable when granting a Certificate of Public Convenience,¹ under these specific circumstances, the directive to PAWC to file a report addressing DEP violations is not supported by substantial evidence of record.

The Commission is not ceding any authority to request reports from public utilities concerning any matter that would relate to the utility's ability to provide safe and reasonable service. In fact, I encourage staff to separately request information from PAWC concerning the DEP violations pursuant to the Commission's authority under Section 504 of the Public Utility Code, 66 Pa.C.S. § 504.

However, in this case, there was no record evidence to support the directive to require PAWC to file such a report when granting the Certificate of Public Convenience and that is the sole ground on which the Commission should grant reconsideration.

January 12, 2023
Date



Stephen M. DeFrank
Vice Chairman

¹ *Rheems Water Co. v. Pa. PUC*, 620 A.2d 609, 611 (Pa. Cmwlth. 1993).