

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265**

Public Meeting held February 22, 2024

Commissioners Present:

Stephen M. DeFrank, Chairman  
Kimberly Barrow, Vice Chair  
Ralph V. Yanora  
Kathryn L. Zerfuss  
John F. Coleman, Jr.

Petition of Veolia Water Pennsylvania, Inc.—  
Wastewater Division For Leave to Withdraw its  
Petition for a Limited Waiver of  
52 Pa. Code § 53.45(b)(4) And for Expedited  
Consideration

Docket Nos. P-2024-3045895

**ORDER**

**BY THE COMMISSION:**

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Petition For Leave to Withdraw (Withdrawal Petition), filed by Veolia Water Pennsylvania, Inc.—Wastewater Division (VWPA-WD or Company), relative to the above-captioned proceeding. For the reasons set forth herein, we will grant VWPA-WD's Withdrawal Petition.

**BACKGROUND**

On December 27, 2023, VWPA-WD notified the Commission, pursuant to Section 53.45 and Section 69.402 of the Commission's regulations, 52 Pa. Code §§ 53.45 (regarding notice of new tariffs and tariff changes) and 69.402 (regarding prefiling notice guidelines), that the Company expected to file its rate case on January 31, 2024. On January 23, 2024, VWPA-WD filed for a waiver of 52 Pa. Code § 53.52(b)(2) (regarding the filing of a utility's operating income statement) at Docket No. R-2024-3045193 so

that it may file its rate case on or before Friday, February 2, 2024, using a historic test year ending September 30, 2023. By a Secretarial Letter dated January 25, 2024, the Commission granted VWPA-WD's request that allowed it to have an extension of time to file its rate case on or before Friday, February 2, 2024. *See* Docket No. R-2024-3045193.

On January 30, 2024, VWPA—WD filed a Petition for Limited Waiver (Waiver Petition) with the Commission at the captioned docket number, pursuant to 66 Pa.C.S. §§ 315(e), 1301 and 1308 and 52 Pa. Code §§ 5.41 and 5.43, requesting a limited waiver of 52 Pa. Code § 53.45(b)(4) (regarding notice of new tariffs and tariff changes by alternative methods). In this Waiver Petition, VWPA-WD notified the Commission of unexpected issues that arose during the preparation of the required customer notice. Specifically, VWPA-WD stated that its vendor for printing and distributing bill inserts no longer uses colored paper. Waiver Petition at ¶2. VWPA-WD also reported that due to understaffing, printer production time and lack of material availability, it did not have the ability to produce an envelope with a front-facing special notice by February 2, 2024, which was the day it was expected to file its rate case with the Commission. *Id.* In its Petition, VWPA—WD also requested expedited consideration of its petition because it planned to file its rate case with the Commission on or before Friday, February 2, 2024. Waiver Petition at ¶3. The Office of Consumer Advocate and the Bureau of Investigation and Enforcement each indicated that they did not oppose VWPA-WD's request for limited waiver of 52 Pa. Code § 53.45(b)(4) or expedited consideration. The Office of Small Business Advocate did not file a response to the Waiver Petition.

Subsequently, on February 2, 2024, VWPA-WD filed for an additional waiver of 52 Pa. Code § 53.52(b)(2) at Docket No. R-2024-3045193, in which it requested a second extension of the filing date for its expected rate case. Specifically, VWPA-WD requested that it be permitted to file its rate case on or before Friday, February 16, 2024, using an historic test year ending September 30, 2023. In this second extension request, VWPA-WD again reiterated to the Commission the statements that had been set forth in its

Waiver Petition about the unexpected issues that arose during the preparation of the required customer notice. *See* Docket No. R-2024-3045193. Concomitantly, on February 2, 2024, VWPA-WD filed with the Commission this instant Withdrawal Petition, seeking to withdraw its previously-filed Waiver Petition. In its Withdrawal Petition, the Company asserted that the limited waiver of 52 Pa. Code § 53.45(b)(4) was no longer required given its request for a second extension of the deadline for filing the Company's rate case. Withdrawal Petition at ¶1. The deadline to protest VWPA-WD's Withdrawal Petition ended on February 12, 2024. *See* 52 Pa. Code § 1.82(a). No responses were filed to VPWA-WD's instant Withdrawal Petition.

### **DISCUSSION**

In its Withdrawal Petition, VPWA-WD requests leave to withdraw its Waiver Petition, which is uncontested. The Commission had planned to take official action on the Company's uncontested Waiver Petition, however, before the Commission could finalize any official action on that Petition, the Company decided to submit a filing on February 2, 2024, in which it requested the Commission to grant it a second extension of the deadline for filing its rate case. The Commission granted VWPA-WD's request for a second extension of the filing date of its rate case on that same day. As a result, VWPA-WD has not yet filed its anticipated rate case. For this reason, we determine that we will forego any further consideration or taking official action on the Company's request that the Commission grant it a waiver of Section 53.45(b)(4). Instead, we now shift our focus to the instant filing, VWPA-WD's Withdrawal Petition.

Since no objections were filed to VWPA-WD's Waiver Petition and also no responses have been filed to the instant Withdrawal Petition, we deem that this is an uncontested proceeding. The withdrawal of pleadings in an uncontested proceeding is governed by Section 1.82 of our Regulations, 52 Pa. Code § 1.82. Section 1.82(a) provides the following:

(a) A party that desires to terminate an uncontested matter or proceeding before final decision by the Commission or otherwise desires to withdraw a submittal or pleading, shall file a petition for leave to withdraw the appropriate document. If no party objects to the petition within 10 days of service, the matter may be stricken by the Commission or by the presiding officer. If upon review the presiding officer or the Commission determines that the public interest requires continuation of the proceedings, the petition will be denied and the staff may be directed to participate.


Based on our review of the applicable law and the current facts surrounding the filing of its rate case, we find that it is in the public interest to grant the Company's Withdrawal Petition; **THEREFORE,**

**IT IS ORDERED:**

1. That the Petition For Leave to Withdraw, filed by Veolia Water Pennsylvania, Inc.—Wastewater Division, on February 2, 2024, is granted.
2. That a copy of this Order shall be served on the Office of Consumer Advocate, the Office of Small Business Advocate, and the Bureau of Investigation and Enforcement.

3. That this proceeding shall be marked closed.

**BY THE COMMISSION**

  
Rosemary Chivetta  
Secretary

(SEAL)

ORDER ADOPTED: February 22, 2024

ORDER ENTERED: February 22, 2024