

COMMONWEALTH OF PENNSYLVANIA



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February 23, 2024

Via Electronic Mail Only

The Honorable Christopher P. Pell
Office of Administrative Law Judge
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Pennsylvania Public Utility Commission
v.
Newtown Artesian Water Company
Docket No. R-2017-2624240
C-2017-2626954

Dear Judge Pell:

Attached for electronic filing please find the Office of Consumer Advocate's Status Report in response to the Interim Order issued on February 14, 2024 in this matter.

Copies have been served per the attached Certificate of Service.

Respectfully submitted,

A handwritten signature in blue ink that reads "Erin L. Gannon".

Erin L. Gannon
Senior Assistant Consumer Advocate
PA Attorney I.D. # 83487
EGannon@paoca.org

Enclosures:

cc: PUC Secretary Rosemary Chiavetta (via PUC efile)
Certificate of Service

*4856-8013-4056

CERTIFICATE OF SERVICE

Pennsylvania Public Utility Commission : Docket Nos. R-2017-2624240
v. : C-2017-2626954
Newtown Artesian Water Company :

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate's Status Report, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below. This document was filed electronically on the Commission's electronic filing system.

Dated this 23rd day of February 2024.

SERVICE BY E-MAIL ONLY

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Dated: February 23, 2024
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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission	:	
Office of Consumer Advocate	:	
	:	Docket Nos. R-2017-2624240
v.	:	C-2017-2626954
	:	
Newtown Artesian Water Company	:	

STATUS REPORT

This Status Report is being submitted on behalf of the Office of Consumer Advocate (OCA), responsive to the Interim Order Requiring the Filing of a Status Report (Interim Order) issued February 14, 2024 by Deputy Chief Administrative Law Judge Christopher P. Pell (ALJ). ALJ Pell directed the parties to file a report regarding the status of the FirstEnergy proceedings at Docket Nos. P-2015-2508931, P-2015-2508936, P-2015-2508942, and P-2015-2508948 on or before February 23, 2024.

As stated in the Interim Order, on November 19, 2021, ALJ Pell granted a Joint Motion by the OCA and Newtown Artesian Water Company (Newtown) requesting stay of the matters at Docket Nos. R-2017-2624240 and C-2017-2626954 pending the conclusion of the FirstEnergy proceedings. As of the filing of this Status Report, those proceedings have not concluded. On December 12, 2023, the parties to the FirstEnergy case filed a Joint Status Report in that proceeding, which stated the following:

The OCA and FirstEnergy have conferred further regarding the status of this proceeding in light of the Supplemental Implementation Order entered in Docket No. M-2012-2293611 on October 27, 2022, and the discovery produced by FirstEnergy, and agree that no further action is required because the Commission

has disposed of the matter remanded by the Pennsylvania Supreme Court on a generic basis. As such, the OCA and FirstEnergy now jointly request that these dockets be marked closed. Counsel for FirstEnergy and the OCA have communicated with counsel for all other parties to these proceedings and no other party has any objection to this request.”

A copy of that filing is attached for reference. As yet, no action has been taken regarding the request for the FirstEnergy proceeding to be closed.

Counsel for Newtown has reviewed this Status Report and authorized the OCA to represent that Newtown has no objection or changes thereto.

Consistent with the Interim Order, the OCA will file another report regarding the status of the First Energy proceedings by April 23, 2024.

Respectfully Submitted,



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Morgan Lewis

Kenneth M. Kulak

Partner

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December 12, 2023

VIA eFILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17105-3265

**Re: Petition of Metropolitan Edison Company for Approval of a Distribution System Improvement Charge – Docket No. P-2015-2508942
Office of Consumer Advocate v. Metropolitan Edison Company
Docket No. C-2016-2531040**

**Re: Petition of Pennsylvania Electric Company for Approval of a Distribution System Improvement Charge – Docket No. P-2015-2508936
Office of Consumer Advocate v. Pennsylvania Electric Company
Docket No. C-2016-2531060**

**Re: Petition of Pennsylvania Power Company for Approval of a Distribution System Improvement Charge – Docket No. P-2015-2508931
Office of Consumer Advocate v. Pennsylvania Power Company
Docket No. C-2016-2531054**

**Re: Petition of West Penn Power Company for Approval of a Distribution System Improvement Charge – Docket No. P-2015-2508948
Office of Consumer Advocate v. West Penn Power Company
Docket No. C-2016-2531019**

Dear Secretary Chiavetta:

On behalf of **Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company** and the **Office of Consumer Advocate**,

Morgan, Lewis & Bockius LLP

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Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
December 12, 2023
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enclosed is the **Joint Status Report** for filing in the above-captioned matters. Copies of the Joint Status Report have been served upon Administration Law Judge Mark A. Hoyer and all parties of record, as indicated on the attached Certificate of Service.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kenneth M. Kulak". The signature is written in a cursive style with a large initial "K".

Kenneth M. Kulak

KMK/ap
Enclosures

c: Per Certificate of Service (w/encls.)

DB1/ 142903869.1

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of Metropolitan Edison Co. for Approval : Docket Nos. P-2015-2508942,
of a Distribution System Improvement Charge : C-2016-2531040

Petition of Pennsylvania Electric Co. for Approval : Docket Nos. P-2015-2508936,
of a Distribution System Improvement Charge : C-2016-2531060

Petition of Pennsylvania Power Co. for Approval : Docket Nos. P-2015-2508931,
of a Distribution System Improvement Charge : C-2016-2531054

Petition of West Penn Power Co. for Approval : Docket Nos. P-2015-2508948,
of a Distribution System Improvement Charge : C-2016-2531019

JOINT STATUS REPORT

This Joint Status Report is being submitted on behalf of the Office of Consumer Advocate (OCA) and Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company (FirstEnergy) as directed by Administrative Law Judge Mark A. Hoyer (ALJ) in the First Interim Order Setting Time Frame for Discovery and Requiring the Filing of a Status Report issued August 14, 2023, and in subsequent e-mail correspondence between ALJ Hoyer and the parties to this proceeding.

As discussed in that Order and at a telephonic conference held on August 8, 2023, ALJ Hoyer permitted discovery for a period of 90 days, except on issues related to refunds, and also rescinded prior modifications to the discovery rules such that responses to written interrogatories are due within 20 days pursuant to 52 Pa. Code § 5.342(d).

Following informal discussions regarding the discovery, the OCA served written interrogatories on FirstEnergy on September 7, 2023. FirstEnergy provided responses on September 27, 2023. Subsequently, the OCA served additional written interrogatories on October 10, 2023, and FirstEnergy provided responses on November 1, 2023. The discovery period closed on November 6, 2023.

The OCA and FirstEnergy have conferred further regarding the status of this proceeding in light of the Supplemental Implementation Order entered in Docket No. M-2012-2293611 on October 27, 2022, and the discovery produced by FirstEnergy, and agree that no further action is required because the Commission has disposed of the matter remanded by the Pennsylvania Supreme Court on a generic basis. As such, the OCA and FirstEnergy now jointly request that these dockets be marked closed. Counsel for FirstEnergy and the OCA have communicated with

counsel for all other parties to these proceedings and no other party has any objection to this request.



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*Counsel for Metropolitan Edison
Company, Pennsylvania Electric
Company, Pennsylvania Power
Company and West Penn Power
Company*

Dated: December 12, 2023

DB1/ 142867735.2

Respectfully Submitted,

/s/ Erin L. Gannon

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Metropolitan Edison Company : **P-2015-2508942**
for Approval of a Distribution System :
Improvement Charge :

Office of Consumer Advocate : **C-2016-2531040**
v. :
Metropolitan Edison Company :

Petition of West Penn Power Company : **P-2015-2508948**
for Approval of a Distribution System :
Improvement Charge :

Office of Consumer Advocate : **C-2016-2531019**
v. :
West Penn Power Company :

Petition of Pennsylvania Electric : **P-2015-2508936**
Company for Approval of a Distribution :
System Improvement Charge :

Office of Consumer Advocate : **C-2016-2531060**
v. :
Pennsylvania Electric Company :

Petition of Pennsylvania Power Company : **P-2015-2508931**
for Approval of a Distribution System :
Improvement Charge :

Office of Consumer Advocate : **C-2016-2531054**
v. :
Pennsylvania Power Company :

CERTIFICATE OF SERVICE

I hereby certify and affirm that I have this day served a copy of the **Joint Status Report** on the following persons in the matter specified in accordance with the requirements of 52 Pa.

Code § 1.54:

VIA ELECTRONIC MAIL

The Honorable Mark A. Hoyer
Deputy Chief Administrator Law Judge
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Dated: December 12, 2023

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