

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Pennsylvania-American Water : A-2023-3042058
Company under Section 1102(a) of the :
Pennsylvania Public Utility Code, 66 Pa.C.S. :
1102(a), for Approval of (1) the transfer, by sale, of :
Substantially All of the Sadsbury Township :
Municipal Authority’s Assets, Properties and :
Rights Related to its Wastewater Collection and :
Conveyance system to Pennsylvania-American :
Water Company, and (2) the Right of Pennsylvania- :
American Water Company to Begin to Offer or :
Furnish Wastewater Service to the Public in :
Portions of Sadsbury Township, Lancaster County, :
Pennsylvania :

ORDER REOPENING THE PROCEEDING

Before
Katrina L. Dunderdale
Administrative Law Judge

HISTORY OF THE PROCEEDING

On August 3, 2023, Pennsylvania-American Water Company (PAWC) filed an application (Application) asking the Pennsylvania Public Utility Commission (Commission) to approve its acquisition of the Sadsbury Township Municipal Authority (STMA) wastewater collection and conveyance system (System) in Sadsbury Township, Lancaster County, Pennsylvania, pursuant to Sections 507 and 1102(a) of the Pennsylvania Public Utility Code (Code), 66 Pa.C.S. 507 and 1102(a). In addition, PAWC requested the Commission grant to PAWC the right to offer or furnish wastewater service to the public in portions of Sadsbury Township, Lancaster County, Pennsylvania.

On September 11, 2023, the presiding officer convened the prehearing conference, at which time the parties requested the presiding officer hold the proceeding in abeyance for 45 days while the parties engaged in discovery and settlement negotiations. Thereafter, on September 11, 2023, the Commission issued the Initial Telephonic Status Conference Notice, scheduling a status conference for November 2, 2023.

On November 2, 2023, the presiding officer conducted a telephonic status conference with the parties to discuss discovery and the status of settlement discussions. The parties advised discovery was progressing and the parties were hopeful of reaching a settlement. Thereafter, on November 2, 2023, the OALJ served the Further Telephonic Status Conference Notice on the parties, scheduling a status conference for December 5, 2023.

On December 5, 2023, the presiding officer conducted a further status conference with the parties. The parties advised the presiding officer a settlement in principle had been reached between PAWC, OCA and STMA. However, the parties requested additional time to work out the details of the settlement. Accordingly, on January 4, 2024, the OALJ served the Further Telephonic Status Conference Notice on the parties, scheduling a status conference from January 16, 2024.

On January 16, 2024, the presiding officer conducted a further status conference with the parties. The parties advised the presiding officer that the parties reached an agreement to settle the issues on stipulated facts, but additional time was needed to obtain final approval from all the parties.

On February 21, 2024, PAWC filed a Joint Petition for Approval of Unanimous Settlement of All Issues which was signed by PAWC, OCA and STMA (collectively, Joint Petitioners). The Settlement included Statements in Support from PAWC, OCA and STMA, and the parties included proposed Findings of Fact, Conclusions of Law and Ordering Paragraphs. Also, on February 21, 2024, the Joint Petitioners filed the Joint Stipulation of Facts in which the Joint Petitioners stipulated which facts were not in dispute.

On March 12, 2024, the presiding officer issued the Interim Order Closing the Hearing Record.

DISCUSSION

Pursuant to 52 Pa. Code §5.571(d), the presiding officer may reopen a record provided the presiding officer has not issued a decision or certified the record to the Commission. The record may be reopened upon notification to the parties in order to receive additional evidence if there is reason to believe that conditions of fact or of law have so changed as to require the reopening of the proceeding.

After the record closed, the presiding officer realized the Settlement and Joint Stipulation of Facts, filed by the Joint Petitioners, contained numerous errors or vague and inconsistent references to various entities. Some of the entities referenced are parties to this proceeding while some of the entities referenced chose not to participate. In addition, some references used the same terminology to refer to more than one entity.

The inconsistencies rise in number and substance sufficient to require the input of the Joint Petitioners to correct the confusions and to clarify how the Settlement should be interpreted and understood by the presiding officer and by the Commission.

The hearing record must be reopened to provide the Joint Petitioners with an opportunity to clarify and correct the Settlement and the Joint Stipulation of Facts. Accordingly, a post-hearing conference on the record will be scheduled by OALJ as soon as practicable, and the Joint Petitioners will be provided with time in which to prepare and file an Amended Settlement and an Amended Joint Stipulation of Facts. The hearing record will be closed again after the Joint Petitioners have been provided with a full and fair opportunity to clarify the intent of their agreements.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the proceeding at Docket No. A-2023-3042058 is reopened.
2. That the Office of Administrative Law Judge will schedule a post-hearing telephone conference as soon as practicable for the purpose of outlining and discussing the areas of concern.

Date: April 11, 2024

/s/
Katrina L. Dunderdale
Administrative Law Judge

A-2023-3042058 -Application of PAWC-Wastewater for approval of (1) the transfer, by sale, of substantially all of the Sadsbury Township Municipal Authority's assets, properties and rights related to its wastewater collection and conveyance system to PAWC, and (2) the right of PAWC to begin to offer or furnish wastewater service to the public in portions of Sadsbury Township, Lancaster County, Pa.

Revised 3.12.2024

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