

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Veolia Water Pennsylvania, Inc. : P-2023-3042107
For Approval of a Lead Line Service :
Replacement Program :

**INTERIM ORDER
RE-OPENING EVIDENTIARY RECORD
AND DIRECTING PARTIES TO SUBMIT CORRECTED DOCUMENTS**

On July 21, 2023, Veolia Water Pennsylvania, Inc. f/k/a SUEZ Water Pennsylvania Inc. (Veolia, Company, or VWPA) filed with the Pennsylvania Public Utility Commission (Commission) a Petition seeking approval of a Lead Service Line Replacement Program (LSLR Program) and tariff revisions that will allow it to replace customer-owned lead service lines (COLSL), and to recover those costs as provided in Section 1311(b)(2) of the Public Utility Code, which was added to the Public Utility Code pursuant to Act 120 of 2018, 66 Pa. C.S. § 1311(b)(2). As required by Commission regulations implementing Act 120 of 2018, 52 Pa. Code §§ 65.51- 65.62, the Company attached to its Petition a modified Long-Term Infrastructure Improvement Plan (LTIIIP).

On August 11, 2023, the Office of Small Business Advocate (OSBA) filed a Notice of Appearance and Notice of Intervention.

On August 14, 2023, the Office of Consumer Advocate (OCA) filed an Answer to the Petition.

On September 19, 2023, the Commission's Secretary's Bureau issued a Secretarial Letter, serving a data request from the Commission's Bureau of Technical Services (TUS Data Set 1) on the Company. The Secretarial Letter directed that responses be submitted within ten days of the date of the letter.

On September 27, 2023, the Commission issued a Prehearing Conference Notice, scheduling a prehearing conference for October 18, 2023.

On November 7, 2023, counsel for the Company emailed me requesting a thirty-day continuance of the prehearing conference. He explained that the reason for the request was that the Company's answers to the TUS Data Set 1 were due the next day, October 2, and that VWPA hoped to address at least some of the issues that the OCA identified in its Answer to VWPA's Petition. He explained that a continuance would (a) give VWPA an opportunity to complete and file its answers, (b) give the OCA and the OSBA an opportunity to review and digest those answers, and (c) give the parties an opportunity to discuss any remaining issues and develop a litigation schedule, if necessary. He further advised that OSBA and OCA joined in the request.

Under the circumstances, I granted the request and, after consulting with the parties, I rescheduled the prehearing conference for November 21, 2023.

A Prehearing Conference Notice was issued October 3, 2023.

On November 9, 2023, counsel for the Company, on behalf of all the parties, contacted me by email requesting the prehearing conference again be cancelled. He explained that VWPA filed answers to extensive data requests on November 2, 2023, and OCA and OSBA were still in the process of reviewing those answers. He advised the parties were cautiously optimistic that those answers provide the basis for resolving this case without the need for litigation.

I cancelled the prehearing conference and directed the parties to submit a status report by December 8, 2023.

On December 8, 2023, the parties submitted a joint status report. They advised the parties had begun settlement discussions, but desired additional time to continue negotiations. Due to the holidays, the Parties jointly requested that another status report be due in 35 days, or

by January 12, 2024. I contacted the parties by email, directing them to submit an updated status report by January 12, 2024.

On January 2, 2024, I issued an Interim Order memorializing my directive to file the updated status report.

On January 12, 2024, the parties filed an updated status report, explaining their ongoing efforts to settle this matter and requesting that a status conference be held in thirty days.

After consulting with the parties by email, I scheduled a status conference for February 20, 2024. The Commission issued a Notice on January 22, 2024.

The conference convened as scheduled on February 20, 2024. The Company, OCA, and OSBA were present and represented by counsel. The parties advised that the Company and OCA had reached a settlement in principle, and OSBA would either be joining the settlement or not opposing it.

On February 20, 2024, I issued an Interim Order setting deadlines for the parties to file a joint stipulation for the admission of evidence, petition for settlement, and statements in support of settlement. I directed parties to file their joint stipulation for the admission of evidence by March 8, 2024, and the petition for settlement, along with all statements in support by March 22, 2024.

On March 7, 2024, the parties filed their Joint Stipulation of Fact, with Appendix A (Stipulated Facts) and Appendix B (Proposed Order Approving Joint Stipulation). Appendix A contained four Attachments: Attachment 1 (VWPA's Petition), Attachment 2 (answers of VWPA to data requests from the Commission's Bureau of Technical Services (TUS)), Attachment 3 (items required by 52 Pa. Code §§ 53.52(a) and 65.55(b)(3)). VWPA's Lead Service Line Replacement Plan, as filed on October 3, 2023, is included in Attachment 2 in response to Data Request P-2E. VWPA's modified Long-Term Infrastructure Improvement Plan (LTIIP), as filed on October 31, 2023, is included in Attachment 2 in response to Data Request

P-19. VWPA's *proforma* tariff supplement, as filed on October 31, 2023, is included in Attachment 2 in response to Data Request P-12.

On March 12, 2024, I issued an Interim Order Approving and Entering into the Record the Joint Stipulation of Fact.

On March 22, 2024, the parties filed a Joint Petition for Approval of Unanimous Settlement of All Issues.

On May 8, 2024, I issued an Interim Order Closing the Evidentiary Record.

On May 22, counsel for VWPA emailed me requesting guidance on an issue. Counsel explained that when VWPA submitted its Annual Asset Optimization Plan to the Commission earlier this year, staff from TUS noticed that the Company indicated it expected to replace 1,250 services per year during the period covered by the LTIIP, but the LTIIP calls for replacing 12,500 services per year. Counsel explained that TUS then directed VWPA to file a Petition for a Major Modification of its LTIIP, which VWPA did (explaining that the 12,500 figure in the LTIIP is a typo – it contains an extra “0”).

Counsel explained that Commission staff subsequently directed VWPA to withdraw the Petition for a Major Modification because the instant petition to modify the same LTIIP is currently pending. Counsel explained VWPA has withdrawn the Petition for a Major Modification. On May 22, 2024, the Commission’s Secretary’s Bureau issued a Secretarial Letter at M-2024-3046637, directing VWPA to address the issue in the instant proceeding.

Counsel advised that VWPA believes that the correction to the LTIIP can be made by submitting a black-line of one page in the LTIIP that is currently in the record.

I advised the parties that, based on counsel’s representations, I would re-open the record to allow the parties to submit corrected documentation. Parties may submit a Corrected

Stipulation of Facts, with the correct documentation attached, or single page to replace the document already in the record.

Regardless of how the parties choose to submit the corrected documentation, it must be accompanied by a fully executed stipulation that the new, corrected document(s) or page(s) be admitted into the record and shall replace the document(s) or page(s) previously filed.

THEREFORE,

IT IS ORDERED:

1. The evidentiary record in this matter is reopened.
2. That, **by June 7, 2024**, the parties shall submit a fully-executed stipulation to admit into the record corrected document(s) or page(s) to address the typographical error discussed above.
3. That the corrected document(s) or page(s) be attached to the joint stipulation.

Date: May 23, 2024

/s/
Emily I. DeVoe
Administrative Law Judge

P-2023-3042107 - PETITION OF VEOLIA WATER PENNSYLVANIA, INC F/K/A SUEZ PENNSYLVANIA INC FOR APPROVAL OF A LEAD SERVICE LINE REPLACEMENT PROGRAM

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