



May 30, 2024

VIA E-FILING

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Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Second St.
Harrisburg, PA 17120

Re: Petition of Veolia Water Pennsylvania, Inc. for Approval of a Lead Service Line Replacement Program; Docket No. P-2023-3042107

Joint Stipulation for the Admission of Evidence

Dear Secretary Chiavetta:

In accordance with Ordering Paragraph 2 of Administrative Law Judge Emily I. DeVoe's Interim Order Re-Opening Evidentiary Record and Directing Parties to Submit Corrected Documents, enclosed please find the Joint Stipulation for the Admission of Evidence, executed by Veolia Water Pennsylvania, Inc., the Office of Small Business Advocate and the Office of Consumer Advocate.

Copies have been served as shown on the enclosed Certificate of Service.

Please contact me if you have any questions or concerns about the enclosed filing.

Sincerely,

COZEN O'CONNOR

By: Jonathan P. Nase

Counsel for *Veolia Water Pennsylvania, Inc.*

JPN
Attachments

cc: Honorable Administrative Law Judge Emily I. DeVoe
Per Certificate of Service
Larry Finnicum, Vice President and General Manager

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Veolia Water Pennsylvania, Inc. For :
Approval of a Lead Service Line Replacement : Docket No. P-2023-3042107
Program :

CERTIFICATE OF SERVICE

I hereby certify that I have this 30th day of May, 2024, served a true copy of the foregoing Joint Stipulation for the Admission of Evidence, upon the 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:

SERVICE BY E-MAIL ONLY

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Respectfully submitted,



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Counsel for Veolia Water Pennsylvania, Inc.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**ADMINISTRATIVE LAW JUDGE
EMILY I. DEVOE**

Petition of Veolia Water Pennsylvania, Inc. :
For Approval of a Lead Service Line : Docket No. P-2023-3042107
Replacement Program :

**JOINT STIPULATION FOR THE
ADMISSION OF EVIDENCE**

Veolia Water Pennsylvania, Inc. (“VWPA”), the Office of Consumer Advocate (“OCA”) and the Office of Small Business Advocate (“OSBA”) (hereinafter, collectively referred to as the “Stipulating Parties”), file this Joint Stipulation for the Admission of Evidence (“Stipulation to Admit Evidence”) in the above-captioned proceedings. In support of the Stipulation to Admit Evidence, the Stipulating Parties represent as follows:

Procedural History of this Proceeding

1. On July 24, 2023, VWPA filed its Petition for Approval of a Lead Service Line Replacement Program (“VWPA’s Petition”) with the Pennsylvania Public Utility Commission (“Commission”) pursuant to 66 Pa. C.S. § 1311(b) and 52 Pa. Code § 65.54(a).
2. On August 11, 2023, the OSBA filed a Notice of Intervention, Public Statement and Verification. Steven C. Gray, Esq., entered his appearance on behalf of the OSBA.

3. On August 14, 2023, the OCA filed an Answer to VWPA's Petition. Harrison W. Breitman, Esq., represents the OCA in this matter.

4. On September 19, 2023, the Commission's Bureau of Technical Utility Services ("TUS") sent VWPA Data Requests. VWPA submitted Answers to these Data Requests on November 1, 2023.

5. On September 27, 2023, the Commission issued a notice of an Initial Call-in Telephonic Prehearing Conference, to be held on October 18, 2023. On that same date, Administrative Law Judge Emily I. DeVoe (the "ALJ") issued her Prehearing Conference Order.

6. On October 2, 2023, counsel for VWPA sent the ALJ an e-mail requesting a 30-day continuance, so that VWPA could answer TUS's data requests and the other parties could review those answers to determine if VWPA adequately addressed the issues they identified in this proceeding. Counsel for VWPA represented that the OCA and the OSBA joined in this request. The ALJ granted the request.

7. On October 3, 2023, the Commission issued a Notice cancelling the October 18, 2023 prehearing conference and scheduling a new conference for November 21, 2023.

8. On October 17, 2023, the OCA filed its Prehearing Conference Memorandum.

9. By e-mail of November 9, 2023, counsel for VWPA requested a 30-day continuance of the Prehearing Conference so that the parties could attempt to negotiate a resolution. This request was supported by the OCA and the OSBA. The ALJ granted the request and directed that the parties file a status report by December 8, 2023.

10. On November 15, 2023, Rebecca Lyttle, Esq., entered her notice of appearance as additional counsel on behalf of the OSBA.

11. On December 8, 2023, VWPA filed a status report on behalf of all of the parties. That status report requested additional time to continue negotiations, and asked that another status report be due in approximately 35 days. That request was granted in the ALJ's Interim Order Directing Parties to Submit Status Report, which directed the parties to file another status report by January 12, 2024.

12. VWPA filed the required status report on January 12, 2024, requesting that a status conference be held in approximately 30 days.

13. On January 22, 2024, the Commission issued a Notice of Call-in Telephonic Status Conference to be held on February 20, 2024.

14. The Telephonic Status Conference was held as scheduled on February 20, 2024. VWPA and the OCA advised the ALJ that they had reached a settlement in principle. The OSBA advised the ALJ that it was considering whether to join the settlement or, in the alternative, not oppose it. Later on February 20, 2024, the parties advised the ALJ that they had reached a unanimous settlement in principle.

15. On February 20, 2024, the ALJ issued her "Interim Order Setting Deadlines for the Filing of a Stipulation for the Admission of Evidence, Petition for Settlement, and Statements in Support."

16. On March 7, 2024, the Stipulating Parties filed a Joint Stipulation of Fact (the "Stipulation of Fact"), which was approved and entered into the record by Interim Order dated March 12, 2024.

17. On March 22, 2024, the Stipulating Parties filed the Joint Petition for Approval of Unanimous Settlement of All Issues (the "Settlement").

18. On May 8, 2024, the ALJ issued an Interim Order Closing Hearing Record.

19. On May 29, 2024, the ALJ issued an Interim Order Re-Opening Evidentiary Record and Directing Parties to Submit Corrected Documents.

Procedural History in Related Matters

20. On August 31, 2021, VWPA (which was then known as SUEZ Water Pennsylvania Inc. (“SWPA”)) filed its Petition for Approval of a Long Term Infrastructure Improvement Plan 2022-2026 at Docket No. P-2021-3028256. Page 14 of that document states that SWPA intended to replace 12,500 services each year during the period 2022-2026.

21. By Opinion and Order entered on December 16, 2021, the Commission approved SWPA’s LTIIP for 2022-2026.

22. On February 20, 2024, VWPA submitted its Annual Asset Optimization Plan for historic year 2023 and projected year 2024 at Docket No. M-2024-3046637. During that proceeding, it was discovered that Page 14 of VWPA’s Commission-approved LTIIP contains a typographical error – the reference to 12,500 services to be replaced each year should be 1,250 services to be replaced each year.

23. By Secretarial Letter dated April 19, 2024, TUS directed VWPA to either file a petition for modification of its LTIIP or file a new LTIIP.

24. On May 6, 2024, VWPA filed a Petition to Modify its Approved Long Term Infrastructure Improvement Plan at Docket No. P-2021-3028256. Due to the pending request to modify the same LTIIP in the instant proceeding, Commission staff asked VWPA withdraw its Petition to Modify Approved Long Term Infrastructure Improvement Plan 2022-2026. VWPA requested leave to withdraw its pleading, which was granted by Secretarial Letter dated May 21, 2024.

25. On May 22, 2024, a Secretarial Letter was issued at Docket No. M-2024-3046637, which directed VWPA to address the typographical error in the LTIIP in this proceeding.

Stipulation

26. In the Settlement, ¶ 19, the Joint Petitioners asked the ALJ and the Commission to approve a version of the LTIIP that VWPA filed on October 31, 2023, in response to data requests from TUS. This version of the LTIIP is included in Attachment 2 to the Joint Stipulation of Fact. Stipulated Facts ¶ 9.

27. Attached as **Appendix A** hereto is a version of page 14 of the LTIIP that corrects the typographical error in VWPA's Commission-approved LTIIP. This correction is shown in black-line format.

27. The Parties stipulate to:

- A. the veracity of **Appendix A**,
- B. the admission into the record of **Appendix A**, and
- C. the substitution of **Appendix A** for page 14 of the October 31, 2023 version of the LTIIP.

28. The Parties continue to ask the ALJ and the Commission to approve the October 31, 2023 version of the LTIIP (as modified by **Appendix A**).

29. Attached hereto as **Appendix B** is a proposed "Order Granting Joint Stipulation for the Admission of Evidence" for consideration by the Honorable Administrative Law Judge Emily I. DeVoe.

WHEREFORE, the Stipulating Parties, by their respective counsel, respectfully request that the Honorable Administrative Law Judge Emily I DeVoe approve this Joint Stipulation for the Admission of Evidence.

[Signatures appear on next page.]

Respectfully submitted,



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Respectfully submitted,



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APPENDIX A

Table 13: Linear Footage of Main by Material in each Operation

Operation	Material					Total LF	Total Miles
	ACP	CI	GALV	DI	PVC		
Bloomsburg	48,899	255,193	10,777	166,121	122,549	603,539	114
Dallas	4,068	47,194	18,387	61,392	183,886	314,927	60
Harrisburg/Newberry	847,937	382,068	25,960	504,145	1,253,200	3,013,310	571
Mechanicsburg	241,676	60,191	1,198	203,133	447,562	953,760	181
Total Footage	1,142,580	744,646	56,322	934,791	2,007,197	4,885,536	925
Total Mileage	216	141	11	177	380		

Section 4: Estimate of the Quantity of Eligible DSIC Property

Based on the capital amounts included in the budget (see **Table 11** in Section 2 above), the estimated DSIC property to be replaced is provided in **Table 14** below.

Table 14: Estimated Miles of Main to be Installed/Replaced 2022 to 2026

Year	D100	D600	D700	Total Miles
2022	1.0	7.5	1.5	10
2023	1.0	7.5	1.5	10
2024	1.0	7.5	1.5	10
2025	1.0	7.5	1.5	10
2026	1.0	7.5	1.5	10
Total	5.0	37.5	7.5	50

For valves, services and hydrants, the number of units retired depends largely on the main replacement program. It is estimated that the Company will replace approximately ~~12,500~~ 1,250 services per year, 250 valves per year, and 100 hydrants per year.

**APPENDIX B FORM OF ORDER
APPROVING JOINT STIPULATION FOR
THE ADMISSION OF EVIDENCE**

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Veolia Water Pennsylvania, Inc. :
For Approval of a Lead Service Line : Docket No. P-2023-3042107
Replacement Program :

**ORDER APPROVING JOINT STIPULATION
FOR THE ADMISSION OF EVIDENCE**

On May 30, 2024, Veolia Water Pennsylvania, Inc., the Office of Consumer Advocate and the Office of Small Business Advocate (collectively, the “Stipulating Parties”) filed a “Joint Stipulation for the Admission of Evidence” in the above-captioned proceedings. In order to provide the Pennsylvania Public Utility Commission with the factual basis necessary for approving the “Joint Petition for Approval of Settlement of All Issues” filed in this proceeding on March 22, 2024, each of the Stipulating Parties agreed to the veracity of **Appendix A**, the admission into the record of **Appendix A**, and the substitution of **Appendix A** for page 14 of the October 31, 2023 version of the LTIP. The Joint Stipulation for the Admission of Evidence is attached to this Order.

As this request is reasonable, it will be granted.

THEREFORE, IT IS ORDERED:

1. That the Joint Stipulation for the Admission of Evidence, filed on May 30, 2024, is APPROVED; and
2. **Appendix A** is admitted into the record of these proceedings on the terms and conditions set forth in the Joint Stipulation for the Admission of Evidence.

Date: _____

Emily I. DeVoe
Administrative Law Judge