

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :
 :
 v. : R-2024-3047822, *et al.*
 :
 Aqua Pennsylvania, Inc. :

Pennsylvania Public Utility Commission :
 :
 v. : R-2024-3047824, *et al.*
 :
 Aqua Pennsylvania Wastewater, Inc. :

BRIEFING ORDER

An evidentiary hearing was held in this matter on October 11, 2024. During the hearing, by stipulation of counsel, pre-served testimony and exhibits identified by Aqua Pennsylvania, Inc. and Aqua Pennsylvania Wastewater Inc. (Aqua), the Bureau of Investigation and Enforcement, the Office of Consumer Advocate,¹ the Office of Small Business Advocate, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania, Aqua Large Users Group, and SCH USA, LLC were admitted into the record. We also advised the parties that we would subsequently issue a briefing order, consistent with the Scheduling Order dated July 12, 2024.

¹ Certain testimony and exhibits pre-served by the Office of Consumer Advocate was admitted subject to cross-examination by Aqua scheduled for October 15, 2024. However, prior to this date, Aqua waived cross-examination. Therefore, the hearing scheduled for October 15, 2024 was cancelled.

THEREFORE,

IT IS ORDERED:

1. That Main Briefs of the parties are due on or before Monday, October 28, 2024;
2. That Reply Briefs, or submission of a joint settlement petition executed by representatives of parties thereto, together with all parties' statements in support of the joint petition/settlement, are due on or before Thursday, November 7, 2024;
3. That the briefs must substantially comply with the Commission's regulations at 52 Pa. Code §§ 5.501, 5.502;
4. That while we have not imposed a page limitation on the length of the briefs, the parties are reminded that pursuant to 52 Pa. Code § 5.501(e), "Briefs must be as concise as possible;"
5. That the briefs must contain: (a) a concise statement or counter-statement of the case; (b) an argument, with sufficient citations to record evidence, preceded by a summary; and (c) a conclusion with requested relief;
6. That Main Briefs shall include (a) proposed Findings of Fact, together with page references to statements of testimony and exhibits; (b) proposed Conclusions of Law, together with legal citations and (c) proposed Ordering Paragraphs;
7. That any full or partial settlement shall include proposed Findings of Fact, proposed Conclusions of Law, and proposed Ordering paragraphs;

8. That the statements in support filed alongside any full or partial settlement shall explain, in substantial detail, why approval of the settlement by the Commission is in the public interest.

9. That any opposition to any provision of the proposed settlement must be submitted by the Reply Brief due date on November 7, 2024;

10. That all parties must use a common outline for Main and Reply Briefs, consistent with Appendix “B” to the Office of Consumer’s Advocate’s prehearing memorandum, as discussed at the prehearing conference, and attached hereto for ease of reference;

11. That when filing briefs, the parties shall also attach completed tables; to the extent that certain numbers have been modified since the initial filing has been made, all parties must use the same starting point when calculating tables and proposing adjustments so that all parties use the same reference points in the tables and briefs; therefore, prior to submitting briefs, the parties should agree to the base reference point for the tables submitted by all parties, including whether the tables should be identified as “as filed” or “modified” claims;

12. That if a party submits a brief containing confidential information, the party must submit two versions of the brief: (1) one version conspicuously marked as containing confidential information, only to be served to the ALJs and those active parties that have executed Appendix A to the Protective Order issued in this proceeding; and (2) a second, public version with all confidential information redacted. When filing a brief containing confidential information, parties must clearly indicate to the Commission’s Secretary’s Bureau that the brief contains confidential information to ensure that the brief is not published on the Commission’s website, and to ensure that it is appropriately filed.

13. That the parties shall file the original copy of the Main Brief with the Commission no later than 4:30 p.m. on the date due;

14. That the parties shall file the original copy of the Reply Brief with the Commission no later than 4:30 p.m. on the date due;

15. That any brief not filed and served on or before the dates set forth above will not be accepted except by special permission;

16. That if a brief contains a citation to an unreported decision which is not available on LEXIS, WestLaw or the Commission's website, a copy of that unreported decision must be appended to the brief;

17. That the parties are reminded that they are to e-mail us a copy of their as-filed briefs in a WORD-formatted document in addition to ADOBE or other compatible PDF format at gchiodo@pa.gov and alphonarno@pa.gov;

18. That the parties are advised not to include any extra-record evidence in their briefs; and

19. That if any party fails to follow these instructions in the smallest detail, that party's position will not be considered, regardless of where the record may support it or the position of any other party to this proceeding.

Date: October 16, 2024

/s/
Gail M. Chiodo
Administrative Law Judge

/s/
Alphonso Arnold, III
Administrative Law Judge

OCA APPENDIX B

OCA's Proposed Common Briefing Outline For General Rate Increase Proceeding

- I. Introduction
- II. Summary of Argument
- III. Overall Position on Rate Increase
- IV. Rate Base
 - A. Plant in Service
 - B. Depreciation Reserve
 - C. Additions to Rate Base
 - D. Deductions from Rate Base
- V. Revenues
- VI. Expenses
- VII. Taxes
- VIII. Rate of Return
- IX. Rate Structure and Rate Design
 - A. Cost of Service Study
 - B. Revenue Allocation
 - C. Rate Design / Tariff Structure
 - D. Summary and Alternatives
- X. Alternative Ratemaking
- XI. Customer Service / Quality of Service
- XII. Customer Assistance Programs
- XIII. Tariff Issues (Not Briefed Above)
- XIV. Miscellaneous Issues
- XV. Conclusion

Note: Appropriate modification may be made. For instance, a party might add "Affiliated Interest Expenses" as a major topic heading or might brief only rate structure and not use other topic headings. A summary and alternatives should be provided under "Rate Structure" but the "Rate Base" and "Rate Structure" formats shown may be modified, as appropriate. Additional subheadings should be used, as appropriate.

**R-2024-3047822 (WATER); R-2024-3047824 (WASTEWATER) - PENNSYLVANIA
PUBLIC UTILITY COMMISSION v. AQUA PENNSYLVANIA INC**

Limited: Parties List (Revised: Sept 20, 2024)

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