

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Evitts Creek Water Company :
for a Lead Service Line Replacement Program : P-2024-3050185

**ORDER REASSIGNING PETITION TO THE
BUREAU OF TECHNICAL UTILITY SERVICES
AS AN UNOPPOSED PETITION**

On or about July 19, 2024, Evitts Creek Water Company (“Evitts Creek” or “the Company”) filed with the Pennsylvania Public Utility Commission (“Commission”) a Petition for Approval of its Lead Service Line Replacement (“LSLR”) Program in compliance with the Commission’s LSLR regulations at 52 Pa. Code § 65.51, et seq. In its Petition, Evitts Creek seeks Commission approval of its LSLR program and plan to replace the Company-owned and customer-owned lead service lines (“LSLs”) and to recover the associated costs related to those replacements as set forth in the Company’s LSLR Program.

In accordance with the Commission’s LSLR regulations at 52 Pa. Code § 65.54(a), Evitts Creek’s Petition was served upon the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate, and the parties of record in the Company’s most recent base rate case. Service was evidenced by a certificate of service filed with the LSLR program Petition.

On or about August 8, 2024, the Office of Small Business Advocate (“OSBA”) filed a Notice of Intervention and Public Statement requesting that the Petition be either denied or subject to investigation and evidentiary hearings before the Commission.

By Secretarial Letter dated August 21, 2024, the Commission’s Bureau of Technical Utility Services (“TUS”) issued data requests to Evitts Creek.

On or about August 30, 2024, Evitts Creek filed a revised Petition. The revised Petition was served on the same parties as the original Petition.

By Interim Order dated September 23, 2024, Chief Administrative Law Judge, Charles E. Rainey, set the matter for resolution conference.

On October 24, 2024, OSBA filed a letter in lieu of petition for leave to withdraw its Intervention in the present matter pursuant to 52 Pa. Code § 5.94. In its letter, the OSBA explained that the OSBA and Evitts Creek engaged in informal discovery and discussions. During these discussions, it was discovered that the proposed transaction encompasses no small business customers. Following this discovery, the OSBA indicated that it does not wish to pursue this matter and has resolved its concerns. The OSBA specified that it is withdrawing its Intervention in this matter and that Evitts Creek has no objection to this withdrawal request.

Apart from OSBA, no other entity filed a protest or a petition to intervene in the present matter. With the withdrawal of OSBA's Intervention, Evitts Creek's Petition is unopposed and there are no factual matters in dispute. If no factual issue pertinent to the resolution of a case exists, a hearing is unnecessary. 66 Pa.C.S. § 703(a); *Lehigh Valley Power Committee v. Pennsylvania Pub. Util. Comm'n.*, 563 A.2d 557 (Pa.Cmwlth. 1989); *Lehigh Valley Power Committee v. Pennsylvania Pub. Util. Comm'n.*, 563 A.2d 548 (Pa.Cmwlth. 1989); *S.M.E. Bessemer Cement, Inc. v. Pennsylvania Pub. Util. Comm'n.*, 540 A.2d 1006 (Pa.Cmwlth. 1988); *White Oak Borough Authority v. Pennsylvania Pub. Util. Comm'n.*, 103 A.2d 502 (Pa.Super.1954). Not conducting a hearing in these circumstances serves judicial economy by avoiding the time and cost of a hearing where no factual dispute exists.

As set forth in the ordering paragraphs below, this proceeding is reassigned to the Commission's Bureau of Technical Utility Services.

THEREFORE,

IT IS ORDERED:

1. That the Petition of Petition of Evitts Creek Water Company for a Lead Service Line Replacement Program, Docket No. P-2024-3050185, is reassigned from the Pennsylvania Public Utility Commission's Office of Administrative Law Judge to the Pennsylvania Public Utility Commission's Bureau of Technical Utility Services for further action.

Date: November 1, 2024

_____/s/_____
Eranda Vero
Administrative Law Judge

P-2024-3050185 - PETITION OF EVITTS CREEK WATER COMPANY FOR A LEAD SERVICE LINE REPLACEMENT PROGRAM

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