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January 7, 2024

**VIA ELECTRONIC FILING**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, Filing Room  
Harrisburg, PA 17120

RE: Audubon Water Company; Docket No. R-2024-3051816; **AUDUBON WATER COMPANY'S UNOPPOSED, VOLUNTARY MOTION TO EXTEND SUSPENSION PERIOD AND PROCEDURAL SCHEDULE**

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission is Audubon Water Company's Unopposed, Voluntary Motion to Extend Suspension Period and Procedural Schedule in the above-captioned matter.

If you have any questions regarding this filing, please contact me at (717) 236-1300.

Very truly yours,

*/s/ Whitney E. Snyder*

Whitney E. Snyder  
Thomas J. Sniscak  
Erich W. Struble

*Counsel for Audubon Water Company*

WES/das/jld  
Enclosures

cc: Honorable Katrina Dunderdale (via email [kdunderdal@pa.gov](mailto:kdunderdal@pa.gov))  
Per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PENNSYLVANIA PUBLIC UTILITY	:	
COMMISSION	:	
	:	Docket No. R-2024-3051816
v.	:	
	:	
AUDUBON WATER COMPANY	:	

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**UNOPPOSED, VOLUNTARY MOTION TO EXTEND SUSPENION PERIOD  
AND PROCEDURAL SCHEDULE**

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**TO THE HONORABLE KATRINA DUNDERDALE:**

Pursuant to 66 Pa. C.S. §§ 331, 1308(d), Audubon Water Company (“AWC”) requests that the current suspension period and litigation schedule in this proceeding be extended. Regarding this request, AWC has contacted counsel for the Office of Consumer Advocate, the Commission’s Bureau of Investigation and Enforcement, the Office of Small Business Advocate, and Arrowhead & Woodland Elementary Schools and is authorized to represent these parties do not oppose the requested extension.

**A. Procedural History**

1. On October 25, 2024, Audubon Water Company<sup>6</sup> (Audubon), Utility Code 210060, filed Supplement No. 7 to Tariff Water – Pa. PUC No. 4 (Supplement No. 7) with the Pennsylvania Public Utility Commission (Commission) to<sup>0</sup> become effective December 26, 2024. Supplement No. 7 would increase Audubon’s total annual operating revenues for water service by approximately \$999,975, or 33.8%.

2. On November 6, 2024, the Office of Consumer Advocate (OCA) filed a public statement and Formal Complaint at Docket No. C-2024-3051996. In addition to the Formal

Complaint filed by OCA, a formal complaint was filed by the Office of Small Business Advocate on November 15, 2024, at Docket No. C-2024-3052127.

3. By Order entered December 5, 2024, the Commission suspended the implementation of Supplement No. 7 to Tariff Water - Pa. PUC No. 4 by operation of law, pursuant to 66 Pa.C.S. § 1308(d), until July 26, 2025, unless permitted by Commission Order to become effective at an earlier date, and instituted an investigation into the lawfulness, justness, and reasonableness of the rates, rules, and regulations proposed in Supplement No. 7.

4. On December 4, 2024, the Office of Administrative Law Judge (OALJ) scheduled a prehearing conference to be conducted telephonically on December 16, 2024; and the presiding officer issued the Prehearing Conference Order which advised the parties about various procedural issues including the necessity of filing prehearing memoranda.

5. On December 16, 2024, Administrative Law Judge Katrina L. Dunderdale (“ALJ”) conducted a call-in telephonic prehearing conference with the parties in which various procedural matters were discussed, and a litigation schedule was established. Present during the call-in telephonic prehearing conference were counsel representing Audubon, BIE, OCA and OSBA.

6. On December 19, 2024, ALJ Dunderdale issued a prehearing order setting forth, *inter alia*, a procedural schedule.

## **B. Acquisition Proceeding**

7. On September 21, 2023 AWC and Pennsylvania American Water Company (“PAWC”) filed a Joint Application for merger, seeking Commission permission for PAWC to acquire AWC (“Acquisition Proceeding”) at Docket Nos. A-2023-3043194 *et al.*

8. On December 23, 2024, ALJ Dunderdale issued a Recommended Decision approving a Joint Petition for Settlement of the Acquisition Period.

9. On December 30, 2024, the only two parties that had opposed the transaction prior to settling, OCA and OSBA, filed letters indicating no exceptions would be filed to the Recommended Decision.

### **C. Motion to Extend**

10. As stated in its supporting information to Supplement No. 7, AWC prudently filed this base rate increase proceeding in the event the Acquisition Proceeding does not result in closing of the transaction contemplated therein or is significantly delayed because AWC has been operating at a loss for years, has increased costs of purchasing water for its system that were not present in its last rate proceeding, and infrastructure projects to undertake in the Future Test Year.

11. In light of the issuance of the Recommended Decision and no exceptions letter in the Acquisition Proceeding, AWC is willing to further extend the suspension period of this proceeding in an effort to conserve the time and resources of the parties and the Commission.

12. While the Commission may not unilaterally extend a suspension period of a 1308(d) base rate increase proceeding,<sup>1</sup> the Commission and the Office of Administrative Law Judge can extend the suspension period at the request of the utility seeking the rate increase.<sup>2</sup>

13. Here, extending the suspension period is in the public interest because it will allow for conservation of resources in the event the Acquisition closes, but if the Acquisition does not close by April 1, 2025, AWC will have the ability to resume the current proceeding without tacking on an additional 9 months for decision.

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<sup>1</sup> 66 Pa. C.S. § 1308(d); *See Bell Tel. Co. v. Pa. Pub. Util. Comm'n*, 452 A.2d 86 (Pa. Cmwlth. 1982) (“Before the close of the suspension period, to avoid the automatic implementation of the proposed increase, the Commission must issue a *final* order in the matter.”).

<sup>2</sup> *See, e.g., Pa. Pub. Util. Comm'n v. Community Utilities of Pa. Inc.*, Docket Nos. R-2023-3042804 *et al.*, Scheduling Order at Ordering ¶ 2 (Order entered Jan. 25, 2024) (available at <https://www.puc.pa.gov/pcdocs/1813930.docx>).

14. Accordingly, AWC requests the suspension period be extended from July 26, 2025 to October 24, 2025.

15. Between now and April 1, 2025, AWC will file monthly status reports regarding Commission decision and closing of the Acquisition.

16. On April 1, 2025, AWC will notify the parties and ALJ Dunderdale if it will seek further extension of the suspension period or litigation schedule, whether it will be withdrawing this rate proceeding, or whether it will seek to resume litigation of this rate proceeding.

17. If the rate case resumes litigation, the parties have agreed to the following schedule, with the understanding that slight future modifications may be needed to accommodate availability of all parties:

- April 15, 2025 – Rate Case Resumes (AWC to update/respond to discovery, additional discovery period)
- May 15, 2025 - Other Parties Direct
- May-June 2025 - Public Input Hearings
- May 28, 2025 - Rebuttal Testimony
- June 9, 2025 - Surrebuttal Testimony
- June 11, 2025 - Rejoinder Outlines
- June 13, 2025 - Evidentiary Hearings
- June 13, 2025 - Close of Record
- June 30, 2025 - Main Briefs
- July 11, 2025 - Reply Briefs
- Last PM before suspension date - October 9, 2025

18. AWC is authorized to represent that OCA, I&E, OSBA, and Arrowhead & Woodland Elementary Schools do not oppose the relief requested herein.

WHEREFORE, Audubon Water Company respectfully requests Your Honor issue an order that:

- extends the suspension period in this matter from July 26, 2025 to October 24, 2025
- requires Audubon Water Company to file reports every 30 days regarding the status of approval and closing of the acquisition at Docket Nos. A-2023-3043194 *et al.*
- requires Audubon Water Company to indicate on April 1, 2025 whether it will seek further extension of the suspension period, withdraw the rate increase request, or resume litigation
- order the following procedural schedule if AWC chooses to resume litigation:
  - April 15, 2025 – Rate Case Resumes (AWC to update/respond to discovery, additional discovery period)
  - May 15, 2025 - Other Parties Direct
  - May-June 2025 - Public Input Hearings
  - May 28, 2025 - Rebuttal Testimony
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Respectfully submitted,

*/s/ Whitney E. Snyder*

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*Counsel for Audubon Water Company*

Date: January 7, 2025

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the forgoing document upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party).

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/s/ Whitney E. Snyder

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Dated: January 7, 2025