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April 1, 2025

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 MOTION FOR FURTHER EXTENSION OF SUSPENSION PERIOD AND PROCEDURAL SCHEDULE**

Dear Secretary Chiavetta:

Enclosed for filing is Audubon Water Company's Unopposed Motion for Further Extension of Suspension Period and Procedural Schedule in the above-captioned matter. Also enclosed as Attachment No. 1 is a tariff suspension supplement moving the effective date of rates to December 23, 2025 (Supplement No. 10 to Tariff Water – Pa. PUC No. 4).

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

Enclosures

cc: Honorable Katrina Dunderdale (via email 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	:	

**AUDUBON WATER COMPANY’S UNOPPOSED MOTION FOR FURTHER
EXTENSION OF SUSPENSION PERIOD AND PROCEDURAL SCHEDULE**

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 to December 23, 2025. 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 (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 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.

7. On December 23, 2024, ALJ Dunderdale issued a Recommended Decision approving a Joint Petition for Settlement of the AWC and Pennsylvania American Water Company (“PAWC”) Joint Application for merger, seeking Commission permission for PAWC to acquire AWC (“Acquisition Proceeding”) at Docket Nos. A-2023-3043194 *et al.*

8. On January 7, 2025, Audubon filed an Unopposed Voluntary Motion to Extend Suspension Period and Procedural Schedule so as to allow time to close the Acquisition Proceeding.

9. On January 9, 2025, ALJ Dunderdale issued the First Interim Order which granted the Unopposed Voluntary Motion to Extend Suspension Period.

10. The January 9, 2025 First Interim Order advised that if AWC failed to file a Petition to Withdraw or a Motion to Further Suspend by April 1, 2025, the suspension specified in Ordering Paragraph No. 1 will remain in effect and the litigation schedule outlined in Ordering Paragraph No. 4 of said order would be established without any further Order from the Commission.

11. On January 21, 2025, pursuant to the ALJ Dunderdale's January 9, 2025 First Interim Order, AWC filed a tariff suspension, Supplement No. 9 to Tariff Water – Pa. PUC No. 4, moving the effective date of rates to October 24, 2025.

12. On January 23, 2025, the Commission issued an order that approved the Joint Petition for Settlement of the Acquisition.

B. Status of Closing of PAWC Acquisition

13. AWC and PAWC have not yet closed the transaction.

C. Motion to Extend

14. 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.

15. In light of the issuance of the Recommended Decision and no exceptions letter in the Acquisition Proceeding, AWC was 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.

16. AWC had anticipated that the Acquisition would have closed by March 31, 2025, but closing has not yet occurred. AWC has been working diligently towards closing. At this point, AWC is uncertain if and when the transaction will close. AWC's current intent is to continue with efforts to close the transaction through May 31, 2025. Accordingly, AWC seeks further extension of this proceeding to conserve the time and resources of the parties and the Commission.

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

18. 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 June 1, 2025, AWC will have the ability to resume the current proceeding without tacking on an additional 9 months for decision.

19. Accordingly, AWC requests the suspension period be extended from July 26, 2025 to December 23, 2025.

20. AWC's pro forma tariff suspension supplement is enclosed as Attachment No. 1.

¹ 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.").

² *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/pdocs/1813930.docx>).

21. On June 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.

22. 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:

- June 16, 2025 – Rate Case Resumes (AWC to update/respond to discovery, additional discovery period)
- July 14, 2025 - Other Parties Direct
- July-August 2025 - Public Input Hearings
- July 29, 2025 - Rebuttal Testimony
- August 8, 2025 - Surrebuttal Testimony
- August 11, 2025 - Rejoinder Outlines
- August 12, 2025 - Evidentiary Hearings
- August 12, 2025 - Close of Record
- August 29, 2025 - Main Briefs
- September 9, 2025 - Reply Briefs
- Last PM before suspension date - December 4, 2025

23. 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 December 23, 2025
- requires Audubon Water Company to indicate on June 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:
 - June 16, 2025 – Rate Case Resumes (AWC to update/respond to discovery, additional discovery period)
 - July 14, 2025 - Other Parties Direct
 - July-August 2025 - Public Input Hearings
 - July 29, 2025 - Rebuttal Testimony
 - August 8, 2025 - Surrebuttal Testimony
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 - September 9, 2025 - Reply Briefs
 - Last PM before suspension date - December 4, 2025

Respectfully submitted,

/s/ Whitney E. Snyder

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Counsel for Audubon Water Company

Date: April 1, 2025

ATTACHMENT NO. 1

PRO FORMA ADDITIONAL SUSPENSION TARIFF

**AUDUBON WATER COMPANY
AUDUBON, PENNSYLVANIA**

**RATES, RULES AND REGULATIONS
GOVERNING THE DISTRIBUTION OF WATER
IN
PORTIONS OF LOWER PROVIDENCE TOWNSHIP
AND ADJACENT AREAS
MONTGOMERY COUNTY, PENNSYLVANIA**

By: Martha M. Russell, President
Audubon Water Company
Valley Forge Corporate Center
2650 Eisenhower Avenue
P.O. Box 7337
Audubon, PA 19407

NOTICE

The application of rates proposed in Supplement No. 7 filed to become effective December 26, 2024 is hereby suspended until December 23, 2025 at Docket No. R-2024-3051816. Presently effective rates contained in Tariff 6 Pa. P.U.C. No. 4 and supplements thereto, will continue in effect until otherwise amended. Issued in compliance with Title 66 Pa. C.S. § 1308.

(C) Indicates Change

ISSUED: April __, 2025

EFFECTIVE: _____

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: April 1, 2025