

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120**

Public Meeting held March 26, 2026

Commissioners Present:

Stephen M. DeFrank, Chairman
Kimberly Barrow, Vice Chair
Kathryn L. Zerfuss
John F. Coleman, Jr.
Ralph V. Yanora

Pennsylvania Public Utility Commission	R-2025-3057983
Office of Consumer Advocate	C-2025-3058806
Office of Small Business Advocate	C-2025-3058770
Rik Bhattacharyya	C-2025-3058701
Curran Mitchell	C-2025-3058705
Michael Leone	C-2025-3058733
Zachary Bugay	C-2025-3058769
Mary Naydan	C-2025-3058792
Brian Dugas	C-2025-3058818
David R. Hurlbrink	C-2025-3058843
Patricia A. Finley	C-2025-3058864
Connie Horhut	C-2025-3058873
William Balint	C-2025-3058984
Jay S. Croft	C-2025-3059030
Brooke Birckbichler	C-2025-3059057
Marc Wills and Angelia Koser	C-2025-3059143
Neil Allen Brown	C-2025-3059169
David and Lynn Griffith	C-2025-3059164
Jeffrey Reichart	C-2025-3059136
Keith Sauer	C-2025-3059144
CAUSE-PA	C-2025-3059141
Karen W. Harris	C-2025-3059042
Deanna Pilkerton	C-2025-3059154
Angela McCloy	C-2025-3059209
Paul Heiken	C-2025-3059211

John Arty	C-2025-3059254
Kevin Clinebell	C-2025-3059159
James C. Davies	C-2025-3059113
Christopher Cappuccitti	C-2025-3059093
Carolann Hunt	C-2025-3059080
David Dubos	C-2025-3059090
Ralf Neckien	C-2025-3059089
Amy Stalneckner	C-2025-3059188
Paul Walaski	C-2025-3059341
Mary Tanealian	C-2025-3059342
Scott Retalla	C-2025-3059302
Kathleen Schwartz	C-2025-3059350
Amanda Johnsen	C-2025-3059381
Larry and Irene Mistik	C-2025-3059421
Tacy M. Rutherford	C-2025-3059426
Felipe Ortiz	C-2025-3059452
Grace Nucciarone	C-2025-3059484
Violet B. Kern	C-2025-3059446
Jayne Fitzpatrick	C-2025-3059490
Mark Schlosser	C-2025-3059494
Thomas Ziman	C-2025-3059499
Wayne W. Hedrick	C-2025-3059501
Amity Township Board of Supervisors	C-2025-3059538
John Erbiecella	C-2025-3059507
John Messina	C-2025-3059527
Robert and Patricia Boni	C-2026-3059592
James B. Dworchak	C-2026-3059603
John P. Dolekary	C-2026-3059574
Dazhe Wang	C-2026-3059556
Shawn Cieniewicz	C-2026-3059631
Adam Thomas	C-2026-3059694
Michelle Kazar	C-2026-3059697
Naomi Conte	C-2026-3059647
Dana Ullmann	C-2026-3059695
Carla Seidel	C-2026-3059689
Michael Vallonio	C-2026-3059710
Alicia W. Shussett	C-2026-3059712
Heather Zeh	C-2026-3059716
Shaun Keperling	C-2026-3059707
Steve Comuso	C-2026-3059709
Jedidiah Chappell	C-2026-3059766
Diane Martellacci	C-2026-3060020
Jennifer Breton	C-2026-3059732

Scott Bogust	C-2026-3059735
Kathy Lavanga	C-2026-3059739
Sherri and Scott High	C-2026-3059742
Rebecca Carsto	C-2026-3059746
Anna Smallwood	C-2026-3059741
Theodore Gardella	C-2026-3059731
Sergio Castaneda	C-2026-3059734
Stephanie Mosteller	C-2026-3059737
Paedrick Holohan	C-2026-3059743
Ahn Weisner	C-2026-3059755
Lauren Hoover	C-2026-3059758
Jeffrey Bezler	C-2026-3059762
Patricia Istenes	C-2026-3059761
Patricia May Phillips	C-2026-3059779
Joshua and Bryn Hoyt	C-2026-3059778
Richard Matijasich	C-2026-3059812
Kendra Robinson	C-2026-3059801
David Barnett	C-2026-3059818
Christopher Nicholson	C-2026-3059819
Robert Peiffer	C-2026-3059824
William Dobron	C-2026-3059821
Exeter Township School District	C-2026-3059827
Kathleen Townsend	C-2026-3059845
Donald and Roberta Baker	C-2026-3060105
Paul Brown	C-2026-3060187
Edward C. Padgelek	C-2026-3060463
Frank Shaffer	C-2026-3060734
James Docherty	C-2026-3060880
Judy Wojanis	C-2026-3060881

v.

Pennsylvania-American Water Company

Pennsylvania Public Utility Commission	R-2025-3058051
Office of Consumer Advocate	C-2025-3058810
Office of Small Business Advocate	C-2025-3058771
Curran Mitchell	C-2025-3058707
Elaine L. Bowman	C-2025-3058815
Joel Jackson	C-2025-3059064
Patricia A. Finley	C-2025-3058826

David R. Hurlbrink	C-2025-3058845
Jay S. Croft	C-2025-3059031
Brooke Birckbichler	C-2025-3059053
Marc Wills and Angelia Koser	C-2025-3059147
Neil Allen Brown	C-2025-3059170
David and Lynn Griffith	C-2025-3059165
Jeffrey Reichart	C-2025-3059137
Keith Sauer	C-2025-3059146
CAUSE-PA	C-2025-3059142
Karen W. Harris	C-2025-3059148
Deanna Pilkerton	C-2025-3059172
Angela McCloy	C-2025-3059213
Paul Heiken	C-2025-3059212
John Arty	C-2025-3059250
Christopher Cappuccitti	C-2025-3059094
Carolann Hunt	C-2025-3059087
Ralf Neckien	C-2025-3059117
Linda Allison	C-2025-3059122
Amy Stalnecker	C-2025-3059189
Theresa McGee	C-2025-3059334
Mary Tanealian	C-2025-3059295
Kathleen Schwartz	C-2025-3059353
Amanda Johnsen	C-2025-3059377
Tacy Rutherford	C-2025-3059427
Larry and Irene Mistick	C-2025-3059447
James Lyle	C-2025-3059442
Wayne W. Hedrick	C-2025-3059502
Mark Schlosser	C-2025-3059492
John Erbicella	C-2025-3059508
John Messina	C-2025-3059528
Robert and Patricia Boni	C-2026-3059593
Stephen M. Citrullo	C-2026-3059602
Karen Bates	C-2026-3059699
Adam Thomas	C-2026-3059693
Joey and Lisa Inmon	C-2026-3059682
Naomi Conte	C-2026-3059650
Dana Ullmann	C-2026-3059692
Carla Seidel	C-2026-3059703
Shaun Keperling	C-2026-3059708
Colleen Vallonio	C-2026-3059711
Alicia W. Shussett	C-2026-3059714
Heather Zeh	C-2026-3059715
Laurel Miller	C-2026-3059733

Scott Bogust	C-2026-3059738
Stephanie Lamison	C-2026-3059745
Anna Smallwood	C-2026-3059744
Paedrick Holohan	C-2026-3059751
Anh Weisner	C-2026-3059757
Lauren Hoover	C-2026-3059759
Patricia Istenes	C-2026-3059756
Sherrie Greene	C-2026-3059764
Exeter Township Board of Supervisors	C-2026-3059765
Douglas Berguson	C-2026-3059767
Jeffrey Bezeler	C-2026-3059763
Amber Dinnella	C-2026-3059768
John Phio	C-2026-3059773
Richard Matijasich	C-2026-3059811
Kendra Robinson	C-2026-3059815
Sujata Shakya	C-2026-3059817
Christopher Nicholson	C-2026-3059822
Patricia May Phillips	C-2026-3059797
Denise E. Prowse	C-2026-3059816
Kathleen Townsend	C-2026-3059844
Diane Martellacci	C-2026-3060028
Floyd Gault Jr	C-2026-3060025
Jedidiah Chappell	C-2026-3060017
Paul Brown	C-2026-3060188
Frank Shaffer	C-2026-3060717

v.

Pennsylvania-American Water Company
Wastewater Division

OPINION AND ORDER

BY THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Petition for Interlocutory Review (Petition), filed by the Office of Small Business Advocate (OSBA or Petitioner), pursuant to

Section 5.301, *et seq.* of the Commission’s Regulations, 52 Pa. Code § 5.301, *et seq.*, on February 26, 2026, in the above-captioned proceeding.

The Petitioner seeks Commission review of, and answer to, the following proposed Material Question:

Is public input hearing testimony under 52 Pa. Code § 69.321 limited to allowing only public utility customers to express their concerns?

Petition at 1.

On March 9, 2026, Pennsylvania-American Water Company (PAWC or Company) filed a Brief in Opposition to the OSBA’s Petition for Interlocutory Review (PAWC Brief). The OSBA has not filed a Brief.

For the reasons discussed below, we shall decline to answer the Material Question.

I. History of the Proceeding

On November 14, 2025, PAWC filed Supplement No. 58 (Water Supplement No. 58) to Tariff Water-PA P.U.C. No. 5 (Tariff Water) to become effective January 13, 2026. In Supplement No. 58, the Company proposed changes that would increase PAWC’s total annual operating revenues for its water service by approximately \$152.4 million, or 16.1%.

Also on November 14, 2025, PAWC - Wastewater Division (PAWC-WD) filed Supplement No. 61 (Wastewater Supplement No. 16) to Tariff Wastewater PA P.U.C. No. 16 (Tariff Wastewater) to become effective January 13, 2026. In

Supplement No. 61, the Company proposed changes that would increase PAWC-WD's total annual operating revenues for its wastewater service by approximately \$16.3 million, or 7.8%.

The OSBA and the Office of Consumer Advocate (OCA) filed Formal Complaints to both proposed rate increases.¹

Consistent with Section 1308(d) of the Pennsylvania Public Utility Code (Code), 66 Pa.C.S. § 1308(d), the Commission suspended the effective dates of Water Supplement No. 58 and Wastewater Supplement No. 61 by operation of law until August 13, 2026, by Orders entered on December 4, 2025 (*December 2025 Orders*).

Various individuals filed Formal Complaints, Oppositions, and Comments to the proposed rate increases.

On December 11, 2025, the Company filed a Motion to Consolidate and a Motion for Protective Order. By Prehearing Order dated December 17, 2025, Administrative Law Judges (ALJs) Emily I. DeVoe and Jeffrey A. Watson granted the Company's motion to consolidate the proposed rate increase proceedings. By Protective Order dated January 9, 2026, the ALJs granted the Company's request for a protective order.

In-person Public Input Hearings were held on January 13, 15, 16, and 20, 2026, and two telephonic Public Input Hearings were held on January 21, 2026.

¹ The OCA's Formal Complaints were filed at Docket No. C-2025-3058806 for water and Docket No. C-2025-3058810 for wastewater. The OSBA's Formal Complaints were filed at Docket No. C-2025-3058770 for water and Docket No. C-2025-3058771 for wastewater.

As previously noted, the OSBA filed its Petition on February 26, 2026. PAWC filed a Brief in Opposition on March 9, 2026.

II. Discussion

A. Legal Standards

As a preliminary matter, we note that any issue we do not specifically delineate shall be deemed to have been duly considered and denied without further discussion. The Commission is not required to consider expressly or at length each contention or argument raised by the parties. *Consolidated Rail Corp. v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993); *see also, generally, University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

During a proceeding, and pursuant to the provisions of 52 Pa. Code § 5.302, a party may seek interlocutory review and answer to a material question which has arisen or is likely to arise. The standards for interlocutory review are well established. *See* 52 Pa. Code § 5.302(a). Section 5.302(a) of the Commission's Regulations requires that the petitioning party "state . . . the compelling reasons why interlocutory review will prevent substantial prejudice or expedite the conduct of the proceeding." The pertinent consideration is whether interlocutory review is necessary to prevent substantial prejudice – that is, the error and any prejudice flowing therefrom could not be satisfactorily cured during the normal Commission review process. *Joint Application of Bell Atlantic Corp. and GTE Corp.*, Docket No. A-310200F0002, *et al.* (Opinion and Order entered June 14, 1999) (*Application of Bell Atlantic Corp.*); *Pa. PUC v. Frontier Communications of Pa. Inc.*, Docket No. R-00984411 (Opinion and Order entered February 11, 1999) (*Pa. PUC v. Frontier*); *In re: Knights Limousine Service, Inc.*, 59 Pa. P.U.C. 538 (1985) (*Knights Limousine*).

Pursuant to 52 Pa. Code § 5.303, the Commission may take one of the following courses of action on requests for interlocutory review and answer to a material question:

- (1) Continue, revoke or grant a stay of proceedings if necessary to protect the substantial rights of the parties.
- (2) Determine that the petition was improper and return the matter to the presiding officer.
- (3) Decline to answer the question.
- (4) Answer the question.

52 Pa. Code § 5.303(a) (1)-(4).

Generally, Petitions for Interlocutory Review are not favored, as the preferred approach is to permit proceedings to move forward in the normal course to provide all parties, the presiding officer, and the Commission with a full opportunity to develop the record, brief issues, and present arguments at each stage. *Re: Philadelphia Gas Works Universal Service and Energy Conservation Plan*, Docket No. M-00072021 (Opinion and Order entered October 23, 2009) at 3.

Under case law construing Section 5.302(a) of the Commission's Regulations, 52 Pa. Code § 5.302(a), the "compelling reasons" for interlocutory review are the reasons establishing that such review is necessary to either prevent substantial prejudice or to expedite the conduct of the proceeding. In other words, a petition under Section 5.302(a) must allege compelling reasons why any alleged prejudice flowing therefrom could not be rectified during the normal Commission review process. *Application of Bell Atlantic Corp.; Pa. PUC v. Frontier; Knights Limousine Service, Inc.*

The Commission has stated that it does not routinely grant interlocutory review, except upon a showing by the petitioner of extraordinary circumstances or compelling reasons. Such a showing may be made by a petitioner by establishing that, without such interlocutory review, some harm would result which would not be reparable through normal avenues, that the relief sought should be granted now, rather than later, and that granting interlocutory review would prevent substantial prejudice or expedite the proceeding. *Pa. PUC v. Philadelphia Gas Works*, Docket Nos. P-2009-2097639 and R-2009-2139884 (Opinion and Order entered April 15, 2010) (*PGW Order*).

B. Petition

In its Petition, the OSBA requests that the Commission clarify the proper interpretation of the Commission’s Policy Statement at 52 Pa. Code § 69.321 (pertaining to public input hearings in rate proceedings) (Policy Statement). Specifically, the OSBA requests the Commission to confirm that Section 69.321 permits only public utility customers to testify at public input hearings and does not permit all “people impacted by the filing” to testify. Petition at 1. The OSBA argues that the Commission should grant interlocutory review because the issue of which individuals or entities may testify at public input hearings has arisen in the instant rate case and will arise in the “Merger Application case,”² as well as other upcoming proceedings in which public input hearings are held. Petition at 2. The OSBA explained that during the January 21, 2026 telephonic public input hearing, counsel for PAWC stated that the standard for testifying under

² The OSBA appears to be referencing the *Joint Application of American Water Works Company, Inc., Essential Utilities, Inc., Aqua Pennsylvania, Inc., Aqua Pennsylvania Wastewater, Inc., Peoples Natural Gas Company LLC and Alpha Merger Sub, Inc. for a Certificate of Public Convenience under Sections 1102(a)(3) and 2210(c) of the Public Utility Code and All Other Necessary Approvals to Effect a Change of Control of Aqua Pennsylvania, Inc., Aqua Pennsylvania Wastewater, Inc., and Peoples Natural Gas Company LLC*, pending at Docket No. A-2025-3058927.

Section 69.321 is “consumers and people who are impacted by the filing by Pennsylvania American.” *Id.* (citing Tr. at 1056).

In support of its position, the OSBA avers that the unambiguous language of Section 69.321(c) provides that a public input hearing is intended to “allow an opportunity for the complete airing of concerns expressed or issues raised by consumers.” Additionally, the OSBA avers that Section 69.321(d) provides three “consumers’ options at the hearing,” and Section 69.321(f) requires the “presiding officer will make every attempt to give consumers full opportunity to provide input into the case.” Petition at 2. The OSBA states that at the January 13, 2026 in-person public input hearing in Washington, twenty-eight of the thirty-four individuals that testified represented entities that supported the rate filing and were testifying on behalf of PAWC. *Id.* (citing Tr. at 113-266). The OSBA submits that this form of supportive testimony for PAWC was present for the remaining five in-person public input hearings. Petition at 2.

The OSBA continues that at the January 21, 2026 afternoon telephonic public input hearing, about half of the thirty-one people that testified were representing entities that supported the PAWC rate filing. Petition at 3 (citing Tr. at 1009-1237). The OSBA asserts that “the PAWC supporters used up so much time that 20 to 30 people were remaining to be heard when the ALJs were forced to close the hearing after holding the hearing for four and a half hours.” Petition at 3 (citing Tr. at 1216, 1235-36). The OSBA argues that if the Commission allows any entity other than utility consumers to testify at the public input hearings, it will obstruct the Commission’s policy to provide an opportunity for consumers to be heard; violate the due process rights of those consumers under Section 69.321; and prevent the Commission from receiving valuable evidence that only utility consumers can provide. Petition at 3.

C. PAWC Brief in Opposition

In its Brief in Opposition, PAWC argues that the Petition should be denied because the OSBA has not demonstrated that interlocutory review and answer of the OSBA's question is necessary to prevent substantial prejudice or to expedite the conduct of the proceeding. PAWC states that no party seeking to participate in the public input hearings was prevented from doing so. PAWC Brief at 7. PAWC submits that approximately 240 witnesses testified at the public input hearings, and 60 of those participants were not PAWC customers, including state senators and representatives from the communities PAWC serves, chambers of commerce, environmental groups, and community service organizations. *Id.* at 2. PAWC observes that during the January 21, 2026 afternoon public input hearing, the ALJs imposed time limits for all public input hearing participants and confirmed that all the pre-registered callers had the opportunity to testify. Additionally, before concluding the afternoon session of the telephonic public input hearing, the ALJs opened the remaining 20 to 30 unregistered telephone lines to determine whether any person wanted to offer testimony or call into the 6 p.m. public input hearing. *Id.* at 4 (citing Tr. at 1027-28, 1060, 1215-16, 1235-36).

PAWC continues that the OSBA's claim of error – the ALJs' admission of sworn testimony of "entities that supported the PAWC rate filing" into evidence – can be addressed during the normal Commission review process. PAWC explains that the credibility, relevance, and probative value of all evidence in this case will be considered by the ALJs in their Recommended Decision, and by the Commission in its final Order in this case. PAWC Brief at 7. PAWC avers that because the OSBA did not discuss any public input testimony in its direct testimony, the OSBA, through its Petition, seeks an advisory ruling with no relevance to this proceeding. *Id.* at 6.

PAWC also argues that if the Commission decides to grant interlocutory review, then the Commission should clarify that Section 69.321 does not limit

participation in public input hearings to consumers that express concerns with the utility's filing. PAWC contends that the OSBA's interpretation of the Policy Statement is contrary to the public interest and does not provide a basis to limit participation in public input hearings to consumers. PAWC Brief at 7. PAWC submits that Section 69.321 does not expressly prevent individuals or organizations that are not customers from participating in rate case public input hearings. According to PAWC, the Policy Statement discusses hearing options for "consumers," states that public input hearings should provide opportunities for "the complete airing of concerns expressed or issues raised by consumers," and a "full opportunity" for consumers to provide input into the case." *Id.* at 8 (citing 52 Pa. Code § 69.321(c), (d), (f)). PAWC avers that the ALJs and the Commission will then evaluate on-the-record testimony for its relevance, materiality, and competence before considering such testimony as evidence in the rate proceeding, consistent with customary rules of procedure and evidence. PAWC Brief at 8 (citing 52 Pa. Code § 69.321(e)). PAWC believes that the scope of public input testimony the OSBA advocates for will prevent testimony from members of the public with potentially relevant and material information, including potential customers seeking a main extension, elected representatives, and organizations that represent specific communities, community issues, or vulnerable groups. PAWC Brief at 9.

Finally, PAWC contends that the OSBA's assertion, that maintaining the existing scope of participation in public input hearings is detrimental or unfair to existing customers, is unfounded. PAWC Brief at 9. PAWC asserts that consistent with the Commission's policy of making "every attempt to give consumers full opportunity to provide input," the ALJs took appropriate steps to ensure that all interested parties could participate in the public input hearings. *Id.* at 9-10. PAWC states that the ALJs did not conclude each in-person public input hearing until everyone interested in speaking was able to do so, and during the telephonic hearings, the ALJs went through the list of all pre-registered participants and then provided an opportunity for unregistered callers to testify. *Id.* at 10 (citing Tr. at 1235-36, 1215-16, 1378-1427).

E. Disposition

Upon review of the record developed so far and the Parties' positions, we decline to answer the Material Question because the Petitioner has not presented compelling reasons why interlocutory review will prevent substantial prejudice or expedite the conduct of the proceeding, as required by Section 5.302(a) of the Commission's Regulations, 52 Pa. Code § 5.302(a). The pertinent consideration is whether interlocutory review is necessary to prevent substantial prejudice. Specifically, interlocutory review is only warranted where the alleged error, and any prejudice flowing therefrom, could not be satisfactorily cured during the normal Commission review process. *See PGW Order.*

In its Petition, the OSBA avers that if the Commission allows any entity other than utility consumers to testify at public input hearings, it will obstruct the Commission's policy to provide an opportunity for consumers to be heard; violate the due process rights of those consumers under Section 69.321 of the Commission's Regulations, 52 Pa. Code § 69.321; and prevent the Commission from receiving valuable evidence that only utility consumers can provide. Petition at 1-3. However, we are not persuaded by the OSBA's Petition. Contrary to the OSBA's position, we conclude that the record in this case reflects that the ALJs conducted the public input hearings in a manner which afforded public utility customers the opportunity to be heard. While the ALJs did not limit the testimony to that offered by PAWC customers, they took appropriate steps to provide PAWC customers who wished to provide testimony with the opportunity to speak throughout the public input hearings.

The record reflects that during the January 21, 2026 afternoon telephonic public input hearing referenced by the OSBA in its Petition, the OSBA's counsel raised concerns about the amount of time the ALJs allowed for testimony from individuals speaking on behalf of PAWC, and argued that the Policy Statement's intent was to allow

only public utility consumers to present testimony. Tr. at 1055-58. In response to the OSBA's position and PAWC's opposing position, ALJ Watson stated that *all* individuals participating in the public input hearing would have the chance to testify and that the ALJs would place time limits on the testimony to allow all individuals to be heard. *Id.* at 1060. Toward the end of the January 21, 2026 afternoon telephonic hearing, the ALJs identified about twenty to thirty individuals remaining on the line who had not pre-registered, or who had unidentified numbers.³ ALJ Watson then provided an opportunity to testify to customers who were pre-registered but did not have the chance to testify or customers who were not pre-registered but wanted to testify. *Id.* at 1215. The ALJs also noted that any customers who wished to do so could present testimony at the 6 p.m. telephonic public input hearing immediately following the 1 p.m. hearing on January 21, 2026. Two customers who had registered but did not have the chance to testify previously offered testimony at that time. *Id.* at 1216-236.

Further, during the 6 p.m. telephonic hearing on January 21, 2026, after ensuring that all pre-registered individuals had the opportunity to testify, the ALJs asked all the unregistered remaining individuals on the line, one-by-one, if they wished to testify. Many of those individuals, including at least one who was also on the line during the 1 p.m. hearing that day, presented testimony. Tr. at 1378-1427. Moreover, at the end of all of the in-person public input hearings in this case, the ALJs asked if all individuals who wished to be heard had the chance to testify, before closing the hearings.

Based upon review of the record, it appears no individual who wished to provide testimony was precluded from doing so at the public input hearings. We conclude that, to the extent that the OSBA believes harm has resulted from the ALJs exercising their discretion to allow certain testimony during the public input hearings,

³ The Public Input Hearing Notice dated December 19, 2025, stated that pre-registration was encouraged for the telephonic public input hearings and that failure to pre-register could result in individuals not being permitted to testify.

any such harm can be satisfactorily cured during the normal Commission review process. Any PAWC customer that wants to do so may still file a Formal Complaint to the Proposed Rate Increase,⁴ a Public Comment, or an Opposition to the Rate Increase, which will become part of the record the Commission considers in making a determination in this rate proceeding. Additionally, in reaching a decision on the proposed rate increase, the ALJs and the Commission will review the record evidence and give what they find to be the appropriate probative weight to the evidence and testimony, including the public input testimony, presented in this case.

Because we find that the OSBA has failed to make a showing of any substantial prejudice that cannot be rectified during the Commission's normal review process, we conclude that interlocutory review is not warranted. We further note that the OSBA did not file the instant Petition until over a month after the public input hearings concluded. Absent a showing of substantial prejudice, it is not practicable or efficient to answer the OSBA's Material Question about the interpretation of a policy statement at this stage in a rate case proceeding that is operating on a statutory timeline. This base rate proceeding has been moving forward expeditiously – the Parties have filed their testimony, and evidentiary hearings were held from March 23 through March 25, 2026. For these reasons, we find that the OSBA has not presented compelling reasons for interlocutory review, and we decline to answer the Material Question.

III. Conclusion

Upon review, we shall decline to answer the Material Question, pursuant to 52 Pa. Code § 5.303(a)(3), consistent with this Opinion and Order; **THEREFORE,**

⁴ Section 5.32(b) of the Commission's Regulations, 52 Pa. Code § 5.32(b), provides that "a person filing a complaint during the suspension of a proposed general rate increase shall take the record of the suspended rate proceeding as it stands at the time of the complaint's filing."

IT IS ORDERED:

That with regard to the Petition for Interlocutory Review filed by the Office of Small Business Advocate on February 26, 2026, raising the following Material Question:

Is public input hearing testimony under 52 Pa. Code § 69.321 limited to allowing only public utility customers to express their concerns?

We shall decline to answer the Material Question in accordance with the Commission's Regulations at 52 Pa. Code § 5.303(a)(3).

BY THE COMMISSION,



Matthew L. Homsher
Secretary

(SEAL)

ORDER ADOPTED: March 26, 2026

ORDER ENTERED: March 26, 2026