



COMMONWEALTH OF PENNSYLVANIA

May 10, 2017

E-FILED

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

**Re: Pennsylvania American Water Company 2017 General Base Rate
Filing / Docket No. R-2017-2595853**

Dear Secretary Chiavetta:

I am delivering for filing today the Complaint, Public Statement, and Verification, on behalf of the Office of Small Business Advocate ("OSBA"), in the above-captioned proceeding.

Copies will be served on all known parties in this proceeding, as evidenced by the attached Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth Rose Triscari".

Elizabeth Rose Triscari
Deputy Small Business Advocate
Attorney ID No. 306921

Enclosures

cc: The Honorable Charles E. Rainey, Jr.
Mr. Brian Kalcic
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PENNSYLVANIA PUBLIC UTILITY
COMMISSION**

v.

**PENNSYLVANIA-AMERICAN WATER
COMPANY**

:
:
:
:
:
:
:

DOCKET NO. R-2017-2595853

**COMPLAINT OF THE
SMALL BUSINESS ADVOCATE**

1. The Complainant is:

John R. Evans
Small Business Advocate
300 North Second Street, Suite 202
Harrisburg, PA 17101
(717) 783-2525

2. The name and address of the Complainant's attorney is:

Elizabeth Rose Triscari
Deputy Small Business Advocate
Office of Small Business Advocate
300 North Second Street, Suite 202
Harrisburg, PA 17101
(717) 783-2525
(717) 783-2831 (fax)
etriscari@pa.gov

3. The respondent utility is:

Pennsylvania-American Water Company
800 West Hershey Park Drive
Hershey, PA 17033

4. The Complainant is authorized and directed by the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50, to represent the interests of small business consumers of utility services in matters before the Pennsylvania Public Utility Commission (“Commission”).

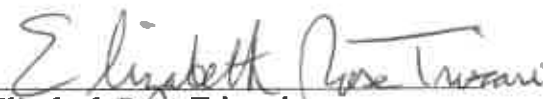
5. This Complaint is filed against the rates, terms and other provisions of Original Tariff Water Pa. P.U.C. No. 5 and Original Tariff Wastewater PA P.U.C. No. 16 (“Tariffs”), which were filed on April 28, 2017, by Pennsylvania-American Water Company (“PAWC” or the “Company”). The proposed Tariffs, if approved by the Commission, would increase the Company’s water and wastewater rates by approximately \$107.9 million per year, or approximately 16.4 percent, and would result in a return on equity of 10.8%. After preliminary review of the materials filed by the Company in support of the proposed Tariffs, Complainant believes, and therefore avers, that those materials may be insufficient to justify the rate increase requested and that the Company’s present and proposed rates, rules, and conditions of service may be unjust, unreasonable, unduly discriminatory, and otherwise contrary to law, particularly as they pertain to small business customers.

6. Complainant believes, and therefore avers, that PAWC’s proposed rates, rate design, and cost and revenue allocation are or may be unjust, unreasonable, and unlawfully discriminatory in violation of, *inter alia*, Sections 1301 and 1304 of the Public Utility Code, 66 Pa.C.S. §§1301 and 1304, and contrary to appropriate public policy and sound ratemaking considerations, and may not be supported by the materials filed by the Company.

7. In view of the foregoing, the Small Business Advocate respectfully requests that the Pennsylvania Public Utility Commission:

- a. Suspend and investigate the operation of the Tariffs;
- b. At the conclusion of such investigation, reject the proposed new rates and other tariff changes in the Tariffs to the extent required to insure that PAWC's rates are lawful, just, reasonable and not unduly discriminatory; and
- c. Grant such other relief as may be necessary or appropriate.

Respectfully submitted,


Elizabeth Rose Triscari
Deputy Small Business Advocate
Attorney ID No. 306921

Office of Small Business Advocate
300 North Second Street, Suite 202
Harrisburg, PA 17101
(717) 783-2525
(717) 783-2831 (fax)

Dated: May 10, 2017

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PENNSYLVANIA PUBLIC UTILITY COMMISSION	:	
	:	
v.	:	DOCKET NO. R-2017-2595853
	:	
PENNSYLVANIA-AMERICAN WATER COMPANY	:	
	:	

**PUBLIC STATEMENT OF
THE OFFICE OF SMALL BUSINESS ADVOCATE**

The Small Business Advocate is authorized and directed to represent the interest of small business consumers of utility services in Pennsylvania under the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50 (the “Act”). The Act further provides that the Small Business Advocate is to issue publicly a written statement stating concisely the specific interest of small business consumers to be protected by his initiation of or intervention in any proceeding involving those interests before the Public Utility Commission (the “Commission”) or any other agency or court. This public statement relates to the filing today by the Small Business Advocate of a complaint against the proposed \$107.9 million water and wastewater distribution rate increase filing of Pennsylvania-American Water Company (“PAWC” or the “Company”).

The Small Business Advocate files this formal complaint against the Company’s proposed rate increase in order to protect the interests of the Company’s small business customers. A thorough inquiry by the Commission into all of the elements of the Company’s proposed rate increase is necessary to ensure that the rate increase is lawful, just, reasonable, and not unduly discriminatory.

In view of the foregoing, the Small Business Advocate will participate in proceedings before the Commission to investigate the reasonableness of the proposed rate increase. The Small Business Advocate will ask the Commission to deny any proposed new rates and other tariff changes that apply to small business customers that are not proven by PAWC to be lawful, just, reasonable, and not unduly discriminatory to the Company's small business customers.

Dated: May 10, 2017

VERIFICATION

I, Elizabeth Rose Triscari, hereby state that the facts set forth herein above are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. §4904 (relating to unsworn falsification to authorities).

Date: May 10, 2017



(Signature)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania American Water Company :
2017 General Base Rate Filing : **Docket No. R-2017-2595853**

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served via email and/or First-Class mail (unless other noted below) upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

The Honorable Charles E. Rainey, Jr.
Chief Administrative Law Judge
PA Public Utility Commission
400 North St., Commonwealth Keystone Bldg.
Harrisburg, PA 17120
crainey@pa.gov
(Email and Hand Delivery)

Rod Neviraskas
Senior Director-Rates and Regulations
Pennsylvania-American Water Company
800 West Hersheypark Drive
Hershey, Pennsylvania 17033
(First Class Mail Only)

Tanya J. McCloskey, Esquire
Acting Consumer Advocate
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101
TMcCloskey@paoca.org
(Email and Hand Delivery)

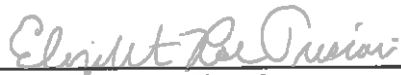
Paul Diskin, Director
Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
400 North Street
Commonwealth Keystone Building
Harrisburg, PA 17120
pdiskin@pa.gov
(Email and Hand Delivery)

Richard Kanaskie, Esquire
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17105-3265
rkanaskie@pa.gov
(Email and Hand Delivery)

Charis Mincavage, Esquire
McNees, Wallace & Nurick
P.O. Box 1166
100 Pine Street
Harrisburg, PA 17108
cmincavage@mcneeslaw.com

David F. Boehm, Esquire
Boehm Kurtz & Lowry
2110 CBLD Center
36 East Seventh Street
Cincinnati, OH 45202
(First Class Mail Only)

DATE: May 10, 2017



Elizabeth Rose Triscari
Deputy Small Business Advocate
Attorney I.D. No. 306921