



COMMONWEALTH OF PENNSYLVANIA

September 6, 2019

E-FILED

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

Re: Pennsylvania Public Utility Commission v. City of Lancaster - Sewer Fund / Docket No. R-2019-3010955

Dear Secretary Chiavetta:

Enclosed for filing please find the Prehearing Memorandum, on behalf of the Office of Small Business Advocate (“OSBA”), in the above-captioned proceeding. I respectfully request that a copy of any documents filed in this case also be shared with our witness at the address below:

Brian Kalcic
Excel Consulting
225 S. Meramec Avenue, Suite 720
St. Louis, MO 63105
(314)725-2511
excel.consulting@sbcglobal.net

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Shelby A. Linton-Keddie'.

Shelby A. Linton-Keddie
Assistant Small Business Advocate
Attorney ID No. 206425

Enclosures

cc: Brian Kalcic
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	
v.	:	Docket No. R-2019-3010955
	:	
City of Lancaster – 2019 General Wastewater Rate Increase Filing	:	

**OFFICE OF SMALL BUSINESS ADVOCATE
PREHEARING MEMORANDUM**

I. INTRODUCTION

The Office of Small Business Advocate (“OSBA”) is authorized to represent the interests of small business consumers of utility services before the Pennsylvania Public Utility Commission (“Commission”) pursuant to the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50 (“the Act”). In order to discharge this statutory duty, the Small Business Advocate deems it necessary to participate as a party to this proceeding. Representing the OSBA in this matter is Assistant Small Business Advocate Shelby A. Linton-Keddie. Please address all correspondence as follows:

Shelby A. Linton-Keddie
Assistant Small Business Advocate
Office of Small Business Advocate
300 North Second Street, Suite 202
Harrisburg, Pennsylvania 17101
(717) 783-2525
(717) 783-2831 (fax)
slinton-ke@pa.gov

II. FILING BACKGROUND

The City of Lancaster (“City” or “Company”) filed Supplement No. 39 to Tariff Sewer – Pa. P.U.C. No. 7 (“Supplement No. 39”), on July 19, 2019. This Supplement, if approved by the Commission, would increase the Company’s minimum charge, volumetric charges, and industrial waste surcharge for all customers served by the City’s PUC jurisdictional wastewater division. The total requested increase for Outside-City customers would be \$646,727. The OSBA filed a Complaint on August 8, 2019.

III. IDENTIFICATION OF WITNESSES

Assisting in the development and presentation of the OSBA’s case in this proceeding will be:

Brian Kalcic
Excel Consulting
225 S. Meramec Avenue, Suite 720
St. Louis, MO 63105
(314)725-2511
excel.consulting@sbcglobal.net

The OSBA requests that all parties provide courtesy copies of all documents, including discovery, testimony and briefs, to Mr. Kalcic, simultaneously with service upon the OSBA.

IV. IDENTIFICATION OF ISSUES

The OSBA is participating in the case to ensure that the interests of small business customers within the PUC jurisdictional portion of the City of Lancaster are adequately represented and protected. After an initial review of the materials submitted by the City, the OSBA has identified the following issues for further examination:

1. Whether the City has properly justified its revenue requirement request;
2. Whether the City's class cost-of-service methodology is appropriate ;
3. Whether the Company's proposed Outside-City class revenue allocation is cost based;
4. Whether the Company's proposed Outside-City rate design would result in unjust and/or unreasonable rates; and
5. Any other issues that may arise in the OSBA's review of the Company's filing that affect small business customers.

As appropriate and necessary, the OSBA will investigate and analyze the claims and proposals of the Company and other parties through discovery, through the cross-examination of witnesses appearing for those parties, through the filing of testimony, and through briefing. The OSBA will particularly focus on any issue where the impact on the interests of the Company's small business consumers would be unjustifiably different than, or disproportionate to, the impact on another class of customers, or otherwise lacking in reasonableness or basic fairness. The OSBA reserves the right to pursue additional issues as they arise throughout the proceeding.

IV. SERVICE OF DOCUMENTS

The OSBA requests that all parties serve a hard copy of any document filed in this case upon the OSBA and the OSBA witness identified above. In addition to hard copies of pleadings, briefs, and exceptions, the OSBA requests hard copies of responses to discovery propounded by the OSBA or any other party. Service by electronic mail *only* is not acceptable.

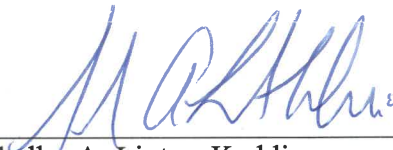
V. SETTLEMENT

The OSBA notes its willingness to enter into settlement discussions at the appropriate phase of this proceeding.

VI. HEARING AND BRIEFING SCHEDULE

The OSBA will cooperate with the other parties to develop a procedural schedule. Accordingly, the OSBA has reviewed and agrees with the schedule proposed by the Office of Consumer Advocate (“OCA”).

Respectfully submitted,



Shelby A. Linton-Keddie
Assistant Small Business Advocate
Attorney ID No. 206425

For:

John R. Evans
Small Business Advocate

Office of Small Business Advocate
300 North Second Street, Suite 202
Harrisburg, PA 17101

Dated: September 6, 2019

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :
 :
 v. : **Docket No. R-2019-3010955**
 :
 City of Lancaster - Sewer Fund :

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 otherwise 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 Joel H. Cheskis
Deputy Chief Administrative Law Judge
Pennsylvania Public Utility Commission
400 North Street
Commonwealth Keystone Building
Harrisburg, PA 17120
jcheskis@pa.gov
(Email and Hand Delivery)

Harrison W. Breitman, Esquire
Phillip D. Demanchick, Esquire
Christine Maloni Hoover, Esquire
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John J. Gallagher, Esquire
711 Forrest Road
Harrisburg, PA 17112
jgallagher@jglawpa.com
(Counsel for City of Lancaster)

DATE: September 6, 2019



Shelby A. Linton-Keddie
Assistant Small Business Advocate
Attorney ID No. 206425