



COMMONWEALTH OF PENNSYLVANIA

May 11, 2020

**E-FILED**

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

**Re: Pennsylvania Public Utility Commission v. Pennsylvania American Water Company /  
Docket Nos. R-2020-3019369 (Water), R-2020-3019371 (Wastewater)**

Dear Secretary Chiavetta:

Enclosed please find the Complaint, Public Statement, and Verification, on behalf of the Office of Small Business Advocate (“OSBA”), in the above-captioned proceedings.

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

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

Sincerely,

/s/ Erin K. Fure

Erin K. Fure  
Assistant Small Business Advocate  
Attorney ID No. 312245

*Enclosures*

cc: Brian Kalcic  
Parties of Record

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

|   |   |   |
|---|---|---|
| <b>Pennsylvania Public Utility Commission</b> | : |   |
|   | : |   |
| v.  | : | <b>Docket Nos. R-2020-3019369 (Water)</b> |
|   | : | <b>R-2020-3019371 (Wastewater)</b>        |
| <b>Pennsylvania American Water Company</b>    | : |   |

**COMPLAINT OF THE  
SMALL BUSINESS ADVOCATE**

1. The Complainant is:

John R. Evans  
Small Business Advocate  
555 Walnut Street  
Forum Place, 1<sup>st</sup> Floor  
Harrisburg, PA 17101  
(717) 783-2525

2. The names and address of the attorneys for the Office of Small Business Advocate ("OSBA") are:

Erin K. Fure  
Assistant Small Business Advocate  
Daniel G. Asmus  
Assistant Small Business Advocate  
Office of Small Business Advocate  
555 Walnut Street  
Forum Place, 1<sup>st</sup> Floor  
Harrisburg, PA 17101  
(717) 783-2525

3. The respondent utility is:

Pennsylvania American Water Company  
852 Wesley Drive  
Mechanicsburg, PA 17055

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 Supplement No. 19 to Tariff Water – Pa. P.U.C. No. 5 (“Supplement No. 19 to Tariff Water”) and Supplement No. 19 to Tariff Wastewater-- Pa. P.U.C. No. 16 (“Supplement No. 19 to Tariff Wastewater”), which were filed with the Commission on April 29, 2020, by Pennsylvania American Water Company (“PAWC” or the “Company”). The rates set forth in Supplement No. 19 to Tariff Water and Supplement No. 19 to Tariff Wastewater, if approved by the Commission, would increase PAWC’s revenues totaling \$138.6 million over two years (\$92.4 million in 2021 and \$46.2 million in 2020).

6. 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.

7. Complainant believes, and therefore avers, that PAWC’s proposed tariff changes and proposed rates, rate design, 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 PAWC.

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

- A. Suspend and investigate the operation of Supplement No. 19 to Tariff Water and Supplement No. 19 to Tariff Wastewater;
- B. At the conclusion of such investigation, reject the proposed new rates and other tariff changes in Supplement No. 19 to Tariff Water and Supplement No. 19 to Tariff Wastewater to the extent required to make certain that PAWC's rates are lawful, just, reasonable, and not unduly discriminatory to small business customers; and
- C. Grant such other relief as may be necessary or appropriate.

Respectfully submitted,

/s/ Erin K. Fure

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Erin K. Fure  
Assistant Small Business Advocate  
Attorney ID No. 312245

Office of Small Business Advocate  
555 Walnut Street  
Forum Place, 1<sup>st</sup> Floor  
Harrisburg, PA 17101  
(717) 783-2525  
(717) 783-2831 (fax)

Dated: May 11, 2020



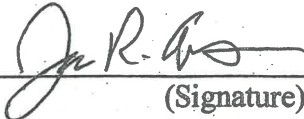
In view of the foregoing, the Small Business Advocate will participate in proceedings before the Public Utility Commission to investigate the reasonableness of the proposed base rate tariff filings. The Small Business Advocate will ask the Commission to deny any proposed new rates and other tariff changes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

Dated: May 11, 2020

**VERIFICATION**

I, John R. Evans, 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: 05/11/20

  
\_\_\_\_\_  
(Signature)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Pennsylvania Public Utility Commission** :  
 :  
 v. : **Docket Nos. R-2020-3019369 (Water)**  
 : **R-2020-3019371 (Wastewater)**  
**Pennsylvania American Water Company** :

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing have been served via email (*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).

Christine Maloni Hoover, Esq.  
Office of Consumer Advocate  
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400 North Street  
Commonwealth Keystone Building  
Harrisburg, PA 17120  
[carwright@pa.gov](mailto:carwright@pa.gov)  
(*Counsel for BIE*)

The Honorable Charles E. Rainey Jr.  
Chief Administrative Law Judge  
Pennsylvania Public Utility Commission  
400 North Street  
Commonwealth Keystone Building  
Harrisburg, PA 17120  
[crainey@pa.gov](mailto:crainey@pa.gov)

Susan Simms Marsh, Esquire  
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DATE: May 11, 2020

/s/ Erin K. Fure

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Erin K. Fure  
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