


COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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June 3, 2020

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)
C-2020-3019751
R-2020-3019371 (Wastewater)
C-2020-3019754

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Prehearing Memorandum in the above-referenced proceedings.

Copies have been served per the attached Certificate of Service.

Respectfully submitted,

/s/ Christine Maloni Hoover
Christine Maloni Hoover
Senior Assistant Consumer Advocate
PA Attorney I.D. # 50026
E-Mail: CHoover@paoca.org

Enclosures:

cc: The Honorable Conrad A. Johnson (**email only**)
Certificate of Service

*289412

CERTIFICATE OF SERVICE

Re: Pennsylvania Public Utility Commission	: Docket Nos. R-2020-3019369 (Water)
v.	: C-2020-3019751
Pennsylvania-American Water Company	: R-2020-3019371 (Wastewater)
	: C-2020-3019754

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate's Prehearing Memorandum, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 3rd day of June 2020.

SERVICE BY E-MAIL ONLY

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Dated: June 3, 2020
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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission	:	Docket Nos. R-2020-3019369 (Water)
v.	:	C-2020-3019751
Pennsylvania-American Water Company	:	R-2020-3019371 (Wastewater)
	:	C-2020-3019754

PREHEARING MEMORANDUM
OF THE
OFFICE OF CONSUMER ADVOCATE

Pursuant to Section 333 of the Public Utility Code, 66 Pa. C.S. § 333, and in response to the Prehearing Conference Order issued in the above-captioned matter, the Office of Consumer Advocate (OCA) provides the following information:

I. INTRODUCTION

Pennsylvania-American Water Company (PAWC or the Company) filed Supplement No. 19 to Tariff Water – PA P.U.C. No 5 and Supplement No. 19 to Tariff Wastewater – PA P.U.C. No. 16 to become effective June 28, 2020. Through these filings, PAWC requests that the Commission approve multiyear rate increases to its water and wastewater rates pursuant to Section 1308(d), 66 Pa. C.S. § 1308(d). PAWC’s tariffs propose to increase the Company’s total annual operating revenues by approximately \$138.6 million over a two-year period: \$92.4 million in 2021 or 12.9% over the amount of annual revenues at present rates and \$46.2 million in 2022 or 5.8% over the amount of annual revenues at present rates.

PAWC serves customers located in 37 counties across Pennsylvania. As of December 31, 2019, the Company provides water service to approximately 665,829 customers in portions of Adams, Allegheny, Armstrong, Beaver, Berks, Bucks, Butler, Centre, Chester, Clarion, Clearfield, Clinton, Columbia, Cumberland, Dauphin, Fayette, Indiana, Jefferson, Lackawanna,

Lancaster, Lawrence, Lebanon, Luzerne, McKean, Monroe, Montgomery, Northampton, Northumberland, Pike, Schuylkill, Susquehanna, Union, Warren, Washington, Wayne, Wyoming, and York Counties. The Company also provides wastewater service to approximately 74,354 customers in portions of Adams, Allegheny, Beaver, Berks, Chester, Clarion, Cumberland, Lackawanna, McKean, Monroe, Northumberland, Pike, Washington, and York Counties.

According to the customer notices included in the Company's filing, a typical residential water customer using 3,458 gallons per month would see the following increases in their monthly bill as provided by Zone in the following table:

Rate Zone	Area	Present	Proposed For Jan. 2021 (vs. present rates)			Proposed For Jan. 2022 (vs. Jan. 2021 rates)			Proposed For Jan. 2022 (vs. present rates)		
			Rate	\$ Increase	% Increase	Rate	\$ Increase	% Increase	Rate	\$ Increase	% Increase
Zone 1		57.85	65.91	8.06	13.9%	69.73	3.82	5.8%	69.73	11.88	20.5%
Zone 2		46.90	65.91	19.01	40.5%	69.73	3.82	5.8%	69.73	22.83	48.7%
Zone 3	McEwensville	33.28	49.06	15.78	47.4%	69.73	20.67	42.1%	69.73	36.45	109.5%
Zone 4	Turbotville	45.40	65.91	20.51	45.2%	69.73	3.82	5.8%	69.73	24.33	53.6%
New Zone 2	Winola	33.23	33.23	-	0.0%	33.23	-	0.0%	33.23	-	0.0%
Zone 5	Steeltown	29.30	35.17	5.87	20.0%	41.00	5.83	16.6%	41.00	11.70	39.9%

A typical residential wastewater customer using 3,458 gallons of water per month would see the following increases to their monthly bill as provided by Zone in the following table:

Rate Zone	Area	Present	Proposed For Jan. 2021 (vs. present rates)			Proposed For Jan. 2022 (vs. Jan. 2021 rates)			Proposed For Jan. 2022 (vs. present rates)		
			Rate	\$ Increase	% Increase	Rate	\$ Increase	% Increase	Rate	\$ Increase	% Increase
Zone 1		60.42	71.97	11.55	19.1%	76.85	4.88	6.8%	76.85	16.43	27.2%
Zone 2	New Cumberland	44.58	53.53	8.95	20.1%	63.04	9.51	17.8%	63.04	18.46	41.4%
Zone 4	Koppel	50.87	71.97	21.10	41.5%	76.85	4.88	6.8%	76.85	25.98	51.1%
Zone 5	Franklin	72.80	71.97	(0.83)	-1.1%	76.85	4.88	6.8%	76.85	4.05	5.6%
Zone 8	Turbotville	52.04	71.97	19.93	38.3%	76.85	4.88	6.8%	76.85	24.81	47.7%
	Delaware	95.52	71.97	(23.55)	-24.7%	76.85	4.88	6.8%	76.85	(18.67)	-19.5%
Zone 7	Sadsbury	74.03	71.97	(2.06)	-2.8%	76.85	4.88	6.8%	76.85	2.82	3.8%
Zone 9	Exeter	42.72	71.97	29.25	68.5%	76.85	4.88	6.8%	76.85	34.13	79.9%
Zone 3	Scranton	40.55	44.44	3.89	9.6%	44.87	0.43	1.0%	44.87	4.32	10.7%
Zone 6	McKeesport	51.75	71.97	20.22	39.1%	76.85	4.88	6.8%	76.85	25.10	48.5%
Zone 6	Port Vue	41.82	71.97	30.15	72.1%	76.85	4.88	6.8%	76.85	35.03	83.8%
New Zone 4	Kane	50.73	61.89	11.16	22.0%	74.05	12.16	19.6%	74.05	23.32	46.0%

The Consumer Advocate is empowered to represent the interests of consumers before the Commission, pursuant to Act 161 of the General Assembly, as amended, 71 P.S. §§ 309-1, et

seq. The Acting Consumer Advocate filed Formal Complaints in this matter to insure that the Commission fully and fairly adjudicates issues pertaining to whether the Company's existing and proposed rates – and all rate policy changes – are not unjust, unreasonable, unduly discriminatory, or otherwise unlawful.

II. ISSUES AND SUB-ISSUES

Based upon a preliminary analysis of PAWC's base rate filing, the OCA has compiled a list of issues and sub-issues, which it anticipates will be included in its investigation of PAWC's rate request. It is anticipated that other issues may arise and may be pursued once the answers to all of the OCA's interrogatories have been received and analyzed.

The OCA has issued five sets of interrogatories to date. As soon as the OCA has received all of the discovery responses and has had the opportunity to review the information, the OCA anticipates that additional discovery and/or informal discovery meetings can be scheduled. At those meetings and discussions, the OCA will narrow the scope of additional information requests. Once the discovery process is complete, the OCA will file direct testimony which will set forth the specific issues it will address in this proceeding. At that time, the OCA will also make and quantify its specific recommendations.

The issues and sub-issues set forth below, and others that may develop during discovery, will be analyzed and presented as appropriate by the OCA with the assistance of its expert witnesses:

A. Rate of Return

1. The OCA will perform a detailed analysis of the 10.8% cost of common equity claimed by PAWC. Also, the OCA will carefully examine the Company's methodologies and supporting data used to develop its final cost of common equity claim.

2. The OCA will examine whether the capital structure claimed by PAWC is representative of the period in which rates will be in effect and is otherwise appropriate for ratemaking purposes.

3. The OCA will examine the embedded cost of debt and preferred stock claimed by PAWC.

4. The OCA will examine whether any company-specific adjustments proposed by PAWC are justified.

5. The OCA will examine the impact of PAWC's proposed alternative ratemaking mechanisms on its risk profile.

B. Rate Base/Measure of Value

1. The OCA will examine the reasonableness and accuracy of PAWC's projections related to the water/wastewater utility plant in service at the time relevant to this proceeding including, but not limited to, whether the Future Test Year (FTY), Rate Year 1, and Rate Year 2 plant will be completed as claimed and whether retirements are accurately reflected.

2. The OCA will review the Company's claim for plant additions during the FTY, Rate Year 1, and Rate Year 2 to determine if the Company has demonstrated that all such costs are prudently incurred.

3. The OCA will investigate whether the Company's adjustment to rate base for depreciation reserve is appropriate.

4. The OCA will examine the Company's projections of non-investor supplied funds, including but not limited to, customer deposits, customer advances for construction, and contributions in aid of construction.

5. The OCA will examine the Company's proposal to include unamortized balances in rate base.

6. The OCA will examine the Company's claim for materials and supplies.

7. The OCA will examine the Company's calculation and amount of cash working capital.

8. The OCA will examine issues related to PAWC's acquisitions, including potential acquisitions that are included in its filing, and will ensure that the acquisition adjustments reflected in the filings comply with the requirements set forth in Section 1327 of the Public Utility Code. The OCA will examine issues related to deferred capital expenses related to acquisitions and potential acquisitions.

9. The OCA will examine the Company's claims related to the ratemaking treatment of deferred depreciation and Allowance for Funds Used During Construction (AFUDC).

10. The OCA intends to examine the reasonableness and accuracy of the Company's claimed valuation of its investment.

11. The OCA will examine the reasonableness and lawfulness of rate base claims for amounts paid to affiliates, in accordance with Section 2101 of the Public Utility Code. 66 Pa. C.S. § 2101 et seq.

12. The OCA will examine the impact of the Company's use of a multi-year rate plan in its filing on its rate base claim.

13. The OCA will examine the Company's Accumulated Deferred Income Tax (ADIT) balances and excess ADIT balances.

C. Revenues and Expenses

1. The OCA will examine whether the projected number of customers at the time periods relevant to this proceeding is reasonable and accurate.
2. The OCA will examine whether the Company's estimates of the volume of water to be sold during future periods is reasonable and accurate.
3. The OCA will examine whether the Company's projections of revenues in the future periods are reasonable and accurate including, but not limited to, its billed days adjustments, metered water sales and the impact of conservation measures, and miscellaneous revenue adjustments.
4. The OCA will examine whether the Company's projections of employees, overtime, and incentive pay is reasonable and accurate.
5. The OCA will examine whether the Company's projected inflation adjustment is just and reasonable.
6. The OCA will examine the costs associated with the accrual of retirement benefits other than pensions for the Company's employees or increased contributions to pension funds. The OCA will further examine the Company's proposed pension tracker.
7. The OCA will examine the justness and reasonableness of the Company's Employee Healthcare Expense.
8. The OCA will examine the appropriateness of the Company's pro forma claim for rate case expense.
9. The OCA will examine the reasonableness of the Company's proposed purchased water expense claims.
10. The OCA will examine the reasonableness of the Company's proposed purchased power expense claims.

11. The OCA will examine the miscellaneous other expense items which appear to be based upon company projections of future price levels.
12. The OCA will examine the Company's request for depreciation expenses to determine whether it is just and reasonable.
13. The OCA will examine the expense effect of billing and associated bill processing costs.
14. The OCA will examine the justness and reasonableness of the Company's claim for customer education and advertising costs.
15. The OCA will examine the justness and reasonableness of the Company's justification and amortization of new acquisition adjustments.
16. The OCA will examine the justness and reasonableness of the Company's claim for insurance costs.
17. The OCA will examine the justness and reasonableness of the Company's proposed expense amortizations.
18. The OCA will examine the justness and reasonableness of the Company's claim for regulatory commission costs.
19. The OCA will examine the justness and reasonableness of the Company's claims for promotional, advertising, marketing, lobbying, and political activity.
20. The OCA will examine the justness and reasonableness of the Company's claims for other operations and maintenance expenses.
21. The OCA will examine the justness and reasonableness of the Company's claims for outside services and expenses.
22. The OCA will examine the justness and reasonableness of the Company's

claimed rate case normalization period.

D. Taxes

1. The OCA will examine issues related to the calculation of taxes including, but not limited to, calculation of federal and state income taxes and the amount of those taxes included as expenses for ratemaking purposes, and will examine whether the Company is in compliance including with Act 40 of 2016 (Act 40).

2. The OCA will examine the reasonableness of the Company's proposal regarding the tax repairs deductions, and its claims for income taxes, property taxes, and general assessments.

3. The OCA will examine the effect of the Tax Cuts and Jobs Act on the Company's tax expense and its ADIT accounts and the amount, if any, that needs to be returned to ratepayers as a result.

4. The OCA will examine the Company's level of PURTA and property tax expense.

E. Rate Structure/Cost of Service/Rate Design/Tariffs

1. The OCA will examine the reasonableness of PAWC's proposed distribution of the revenue increase among customer classes, ratemaking regions, and types of utility service.

2. The OCA will examine PAWC's cost of service studies, including the methodology used and the reasonableness of the allocations.

3. The OCA will examine PAWC's proposal to allocate a portion of the wastewater cost of service to the combined water and wastewater customer base to ensure that it is consistent with Act 11 of 2012 and that it is reasonable and consistent with the public interest.

4. The OCA will examine the reasonableness and appropriateness of the Company's proposed tariff changes, including all proposed surcharges and revenue adjustment mechanisms. This includes, but is not limited to, the Company's proposed rate design, its proposed Regionalization and Consolidation Surcharge, proposed changes in liability provisions, and various other proposed changes in the terms and conditions of service.

5. The OCA will review the Company's existing and proposed Distribution System Improvement Charge (DSIC) mechanism and tariff, including how the DSIC relates to the Company's multiyear rate proposals.

6. The OCA will determine whether it is reasonable to charge all stormwater-related costs to wastewater customers in the Scranton and McKeesport combined-sewer service areas, including whether the Company's proposal complies with prior Commission orders.

F. Low-Income Programs

1. The OCA will analyze current and proposed PAWC operations, practices and procedures related to serving low-income customers.

2. The OCA will examine how PAWC's proposed rate increase and rate structure will affect low-income and/or low-usage customers.

3. The OCA will review the Company's current bill discount programs and any proposed changes to the program.

G. Quality of Service/Main Extensions

1. The OCA will review the Company's quality of service to ensure that it is providing safe, adequate, and reliable service, and water that is usable for all household purposes, and that its wastewater service is consistent with the requirements of Section 1501 of the Public Utility Code.

2. The OCA will investigate the water and wastewater quality of service and water and wastewater service complaints of PAWC customers.

3. The OCA will review the Company's program and practices for replacing lead service lines and ensure that the Company is in compliance with previous settlements.

4. The OCA will review the main extensions undertaken by the Company and proposed main extensions.

5. If possible, the OCA will inspect a sampling of PAWC facilities to evaluate operation and maintenance procedures.

H. Customer Service

1. The OCA will review the Company's consumer protection policies and programs in order to ensure compliance with Chapter 14 of the Public Utility Code and Chapter 56 of the Commission's regulations.

2. The OCA will examine the Company's customer service, including internal training and management oversight policies and programs.

3. The OCA will examine the Company's consumer education programs, particularly with regard to changes in billing and collection rights and remedies, and complaint processes.

I. Other Issues

1. The OCA will examine any relevant environmental issues that arise as a result of the Company's operations.

2. The OCA will examine the reasonableness of rates given the COVID-19 pandemic conditions.

3. The OCA will investigate changes to the Company's case and projections

due to the COVID-19 pandemic.

4. The OCA will investigate to ensure that the Company is complying with all prior orders.

5. The OCA will examine other issues affecting the Company's revenue requirements, rates, charges, and other tariff provisions as they are identified through discovery.

III. WITNESSES

The OCA intends to present the direct, rebuttal, and surrebuttal testimony, as may be necessary, of the following witnesses in this proceeding. Each witness will present testimony in written form and will also attach various exhibits, documents, and explanatory information which will assist in the presentation of the OCA's case. In order to expedite the resolution of this proceeding, the OCA requests that, in addition to mailing copies to OCA counsel, parties send copies of all interrogatory answers and testimony directly to the expert witness(es) responsible for the appropriate area of the case. The OCA also requests that CDs/thumb drives containing any interrogatory responses be mailed directly to the applicable consultant.

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Tariffs/Customer Service:	Barbara R. Alexander 83 Wedgewood Drive Winthrop, ME 04364 OCAPAWC2020@paoca.org

The OCA specifically reserves the right to call additional witnesses, as necessary. All parties of record will be notified as soon as the OCA has determined whether an additional witness or witnesses will be necessary for any portion of its case.

IV. EVIDENCE

The OCA will rely on the direct, rebuttal, and surrebuttal testimony of its expert witnesses as well as the testimony of other parties to the proceeding. The OCA will also present relevant exhibits to support its own testimony, including but not limited to, materials obtained from the Company through discovery and cross-examination.

V. PUBLIC INPUT HEARINGS

Because of the magnitude of the proposed changes and the public interest in these proceedings, the Office of Consumer Advocate respectfully requests that telephonic public input hearings be held in this proceeding. The OCA is in the process of reviewing the Formal and Informal Complaints filed with the Commission as that information is made available, and considered legislative and consumer requests for public input hearings. The OCA requests that telephonic public input hearings be conducted over the period of four days, with two public input

hearings being held each day during the morning/afternoon and evening.¹ The OCA is able to use its call center staff to sign up PAWC consumers who want to testify or listen to the public input hearings. The OCA will be prepared to discuss public input hearings at the prehearing conference.

The OCA also requests that the Company be directed to extensively advertise these public input hearings. Newspaper notice must be advertised in the general readership sections of local newspapers, not in the legal section. Other methods of informing its customers of the public input hearings, including social media and the Company's website, should be utilized as well.

In addition, the OCA requests the other parties involved in the proceeding be permitted to review these public input announcements prior to their publication and distribution and have input into which publications the ads are placed.

VI. SERVICE ON THE OCA

The OCA will be represented in this case by Senior Assistant Consumer Advocates Christine Maloni Hoover and Erin L. Gannon and Assistant Consumer Advocates Harrison W. Breitman and Lauren E. Guerra. The OCA has created a group e-mail address provided below. This is the only email address that is required for service on the OCA; it will provide the emailed materials to all members of the OCA team including the consultants listed above. At this time, as a result of the COVID-19 pandemic, the OCA will not be providing service via mail and does not expect other parties to serve the OCA by mail. Two copies of all documents should be served on the OCA as follows:

Christine Maloni Hoover, Senior Assistant Consumer Advocate
Erin L. Gannon, Senior Assistant Consumer Advocate

¹ In the event that the Commission determines that in-person public input hearings are possible, the OCA will work with the parties to identify and propose preferable locations.

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VII. PROPOSED SCHEDULE

On May 29, 2020, the OCA filed a Motion for Extension of the Statutory Suspension Period in this proceeding, which requested a 45 day extension to the statutory suspension period. As such, the OCA has attached a proposed schedule reflecting the extended statutory suspension period, should the OCA's Motion be granted. The OCA's proposed schedule is attached as Appendix A.

VIII. DISCOVERY

Appendix B contains proposed amendments to the Commission's discovery regulations. It is the OCA's understanding that the proposed amendments are acceptable to all parties. The OCA believes that these amendments will assist the parties in clarifying issues and to bring this proceeding to a conclusion.

IX. SETTLEMENT

The OCA is willing to participate in settlement discussions.

Respectfully Submitted,

/s/Christine Maloni Hoover _____

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Counsel for:
Tanya J. McCloskey
Acting Consumer Advocate

DATE: June 3, 2020

289029

APPENDIX A

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission	:	Docket Nos. R-2020-3019369 (Water)
v.	:	C-2020-3019751
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	:	C-2020-3019754

PROPOSED PROCEDURAL SCHEDULE OF THE OFFICE OF CONSUMER ADVOCATE

Public Input Hearings	Late August 2020
Direct Testimony Of Non-Company Parties	September 11, 2020
Rebuttal Testimony	October 6, 2020
Surrebuttal Testimony	October 27, 2020
Written Rejoinder or Rejoinder Outline	October 29, 2020
Evidentiary Hearings	November 2-6, 2020
Main Briefs	November 19, 2020
Reply Briefs	December 4, 2020 ²
End of Suspension Date	March 15, 2021

² The OCA respectfully requests that the Reply Brief date be moved to December 4, 2020 due to the closing of state offices on November 26, 2020 and November 27, 2020 as a result of the Thanksgiving holiday.

APPENDIX B

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission	:	Docket Nos. R-2020-3019369 (Water)
v.	:	C-2020-3019751
Pennsylvania-American Water Company	:	R-2020-3019371 (Wastewater)
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PROPOSED AMENDMENTS TO DISCOVERY REGULATIONS

In conjunction with its proposed schedule, the OCA would propose to amend the Commission's discovery regulations in accordance with the following:

- A. Answers to written interrogatories to be served in-hand within ten (10) calendar days of service of the interrogatories. Discovery propounded after 12:00 noon on a Friday or the day before a holiday will be deemed served on the next business day for purposes of determining the due date of the responses.
- B. Objections to interrogatories to be communicated orally to the propounding party within three (3) days of service; unresolved objections be served in writing to the propounding party within five (5) days of service of interrogatories.
- C. Motions to dismiss objections and/or direct the answering of interrogatories to be filed with the ALJ within three (3) days of service of written objections.
- D. Answers to motions to dismiss objections and/or direct the answering of interrogatories to be filed within three (3) days of service of such motions.
- E. Rulings over such motions to be issued, if possible, within seven (7) days of filing of the motion.
- F. Responses to requests for document production, entry for inspection, or other purposes to be served in-hand within ten (10) calendar days.
- G. Requests for admission be deemed admitted unless answered within ten (10) days or objected to within five (5) days of service.
- H. Answers to on-the-record data requests to be served in-hand within seven (7) calendar days of the request.