



COMMONWEALTH OF PENNSYLVANIA

August 31, 2020

**E-FILED**

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

**Re: Aqua Pennsylvania Wastewater, Inc.'s Acquisition of Delaware County Regional Water Quality Control Authority, Delaware and Chester Counties Sanitary Wastewater Collection and Treatment System / Docket No. A-2019-3015173**

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:

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

/s/ Steven C. Gray

Steven C. Gray  
Senior Supervising  
Assistant Small Business Advocate  
Attorney ID No. 77538

*Enclosures*

cc: Brian Kalcic  
Parties of Record

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Aqua Pennsylvania Wastewater, Inc.'s :  
Acquisition of Delaware County Regional :  
Water Quality Control Authority, : Docket No. A-2019-3015173  
Delaware and Chester Counties Sanitary :  
Wastewater Collection and Treatment :  
System :**

**PREHEARING MEMORANDUM  
OF THE OFFICE OF SMALL BUSINESS ADVOCATE**

**I. INTRODUCTION**

The Office of Small Business Advocate ("OSBA") is authorized to represent the interests of small business customers 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 these proceedings. Representing the OSBA in the above-referenced matter is Assistant Small Business Advocate Steven C. Gray. Please address all correspondence in this matter as follows:

Steven C. Gray, Esq.  
Senior Supervising  
Assistant Small Business Advocate  
Office of Small Business Advocate  
555 Walnut Street  
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Harrisburg, PA 17101  
(717) 783-2525  
(717) 783-2831 (fax)  
[sgray@pa.gov](mailto:sgray@pa.gov)

**II. FILING BACKGROUND**

On March 3, 2020, Aqua Pennsylvania Wastewater, Inc. ("Aqua") filed an Application pursuant to Sections 507, 1103, and 1329 of the Public Utility Code for Approval of its

Acquisition of the Wastewater System Assets of the Delaware County Regional Water Quality Control Authority ("DELCORA").

The Office of Small Business Advocate ("OSBA") filed a Notice of Intervention on March 26, 2020.

### **III. IDENTIFICATION OF WITNESS AND TENTATIVE ISSUES**

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

Brian Kalcic  
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The OSBA will participate in this proceeding to assure that the interests of small business customers are adequately represented and protected.

After an initial review of the materials submitted by Aqua, the OSBA has identified the following list of issues that it will evaluate in this proceeding:

1. Whether the proposed transaction would provide affirmative public benefits to Aqua's existing customer base.
2. Whether the Trust to be established by DELCORA for the purpose of stabilizing DELCORA customers' bills constitutes a rate stabilization plan, as defined by 66 Pa. C.S. § 1329(g) of the Public Utility Code.

The OSBA reserves the right to pursue additional issues that may arise throughout this proceeding.

#### **IV. SERVICE OF DOCUMENTS**

In accordance with 52 Pa. Code § 1.54(b)(3)(i), the OSBA agrees to accept electronic mail delivery of documents on the due date<sup>1</sup> as satisfying the in-hand requirement. At the time of this writing, hard copy delivery of documents to the OSBA is not possible. The OSBA requests that email delivery of documents also be provided to its witnesses identified above.

In addition to email copies of pleadings, briefs, and exceptions, the OSBA requests email copies of responses to discovery propounded by the OSBA or any other party.

#### **V. DISCOVERY**

The OSBA does not propose any discovery modifications.

#### **VI. SETTLEMENT**

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

#### **VII. HEARING AND BRIEFING SCHEDULE**

At the time of this writing, the OSBA is not aware of any discussions regarding an alternative procedural schedule. Nevertheless, the OSBA anticipates that such discussions will occur prior to the prehearing conference scheduled for September 2, 2020.

Furthermore, on August 14, 2020, the Office of Consumer Advocate (“OCA”) filed its Expedited Motion for an Extension of the Statutory Suspension Period for Aqua Pennsylvania

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<sup>1</sup> In accordance with 52 Pa. Code § 1.56(a)(5), documents must be received by 4:30 pm.

Wastewater Company's Application to Acquire Delaware County Regional Water Quality Control Authority's Wastewater System Assets ("Motion").

On August 17, 2020, Administrative Law Judge ("ALJ") Angela T. Jones issued her Further Corrected Prehearing Conference Order. In the ALJ's August 17<sup>th</sup> Order, she set forth a default procedural schedule.

On August 18, 2020, ALJ Jones issued a Procedural Order setting the date for any response to the OCA's Motion.

On August 24, 2020, the OSBA filed an Answer in support of the OCA's Motion.

Whether the OCA's Motion is approved will materially affect the procedural schedule in this proceeding.

Respectfully submitted,

/s/ Steven C. Gray

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Steven C. Gray, Esq.  
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Attorney ID No. 77538

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Dated: August 31, 2020

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Aqua Pennsylvania Wastewater, Inc.'s :  
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System :**

**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).

The Honorable Angela T. Jones  
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Pennsylvania Public Utility Commission  
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The Honorable Charles E. Rainey Jr.  
Chief Administrative Law Judge  
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DATE: August 31, 2020

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/s/ Steven C. Gray

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