

September 10, 2020

Via Electronic Filing

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

In re: Docket No. R-2020-3019612
Pennsylvania Public Utility Commission, et al. v. Reynolds Disposal Company

Dear Secretary Chiavetta:

We are counsel to Reynold Disposal Company in the above matter and are submitting, via electronic filing with this letter, the Company's Prehearing Conference Memorandum in connection with the Call In Telephonic Prehearing Conference to be held on September 11, 2020. Copies of the Prehearing Conference Memorandum are being served upon the persons and in the manner set forth on the certificate of service attached to it.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By



Thomas T. Niesen

cc: Certificate of Service (w/encl.)
The Honorable Emily I. DeVoe, Administrative Law Judge (via email, w/encl.)
Bradley R. Gosser, CPA (via email, w/encl.)

**Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Administrative Law Judge
Emily I. DeVoe, Presiding**

**Pennsylvania Public Utility
Commission, *et al.***

v.

Reynolds Disposal Company

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Docket No. R-2020-3019612

**PREHEARING CONFERENCE MEMORANDUM
OF
REYNOLDS DISPOSAL COMPANY**

AND NOW, comes Reynolds Disposal Company (“Reynolds”), by its attorneys, and submits the following in connection with the Call In Telephonic Prehearing Conference to be held on September 11, 2020:

History of the Proceeding

This proceeding involves Reynolds’ Supplement No. 5 to Tariff Sewage - Pa P.U.C. No. 4 (“Supplement No. 5”) to become effective September 1, 2020. Supplement No. 5 would increase Reynolds’ total annual operating revenues for wastewater service by approximately \$215,646 based on a future test year ending December 31, 2020. By Order entered August 27, 2020, at R-2020-3019612, the Pennsylvania Public Utility Commission (“Commission”) suspended Supplement No. 5 and instituted an investigation into the reasonableness of the proposed rates. The matter was assigned to Administrative Law Judge Emily I. DeVoe.

Name, Address and Telephone Number of Reynolds' Counsel

The name, postal and email addresses and telephone and fax numbers for Reynolds' counsel for this matter are as follows:

Thomas T. Niesen, Esquire
Thomas, Niesen & Thomas, LLC
212 Locust Street, Suite 302
Harrisburg, PA 17101

Voice: 717.255.7641
Fax: 717.236.8278
Email: tniesen@tntlawfirm.com

Reynolds' Interest In This Proceeding

Reynolds' interest in this proceeding is its Supplement No. 5 and the rates, rules and regulations presented in its Tariff No. 4.

The Issues Reynolds Intends to Raise and Pursue

The fundamental issue in this proceeding is whether the rates proposed by Reynolds in Supplement No. 5 are fair, just, reasonable, non-discriminatory and lawful. Reynolds is unable to determine at this time all of the issues and sub-issues which will be raised by the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate and any other participants to the proceeding. Reference should be made to their respective Prehearing Conference Memoranda for any issues they may be in a position to identify at this time. Nevertheless, it is reasonable to expect that the following general issues will be raised in the proceeding:

- A. Is Reynolds' rate base claim reasonable?
- B. Is Reynolds' rate of return claim reasonable?

- C. Are Reynolds' claims for operating revenues, expenses, depreciation and taxes reasonable?
- D. Is Reynolds' proposed rate design fair, reasonable, non-discriminatory and lawful?

It is Reynolds' position that Supplement No. 5 and supporting information submitted with it establish that each of the foregoing issues should be answered in the affirmative. Reynolds submits that the rates, rules and regulations proposed in Supplement No. 5 are fair, just, reasonable, non-discriminatory and lawful and should be allowed to go into effect as proposed.

Reynolds's Witness and Areas of Testimony

Reynolds intends to present the following witnesses:

<u>Statement</u>	<u>Witness</u>	<u>General Subject Matter</u>
1	Bradley R. Gosser	Company Operations
2	Dennis Kalbarczyk	Supplement No. 5 to Tariff Sewage - Pa. P.U.C. No. 4 and Supporting Information

Also filed with Supplement No. 5 on June 30, 2020 was the following Reynolds exhibit:

Reynolds Exhibit I - Supporting information for Supplement No. 5 to Tariff Sewage - Pa. P.U.C. No. 4

Reynolds respectfully reserves the right to present additional witnesses, testimony and exhibits as the matter progresses.

Discovery

Reynolds is not proposing any modification to discovery rules.

Protective Order

Reynolds filed a Petition for Protective Order on September 10, 2020.

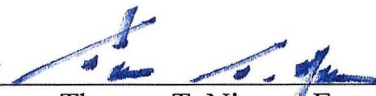
Mediation

Reynolds has elected mediation to attempt to resolve this matter without formal litigation.

Procedural Schedule

The Company will cooperate with Judge DeVoe and the other parties to create a litigation schedule. Having elected mediation, the Company proposes to delay creating a schedule while the parties attempt to mediate a resolution of the proceeding.

Respectfully submitted,

By 
Thomas T. Niesen, Esquire
Thomas, Niesen & Thomas, LLC
212 Locust Street, Suite 302
Harrisburg, PA 17101

Attorney for
Reynolds Disposal Company

Dated: September 10, 2020

**Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Administrative Law Judge
Emily I. DeVoe, Presiding**

Pennsylvania Commission	Public	Utility	:	
			:	
			:	Docket No. R-2020-3019612
	v.		:	
			:	
Reynolds Disposal Company			:	

CERTIFICATE OF SERVICE

I hereby certify that I have this 10th day of September 2020, served a true and correct copy of Reynolds Disposal Company's Prehearing Conference Memorandum, upon the persons and in the manner indicated below:

VIA ELECTRONIC MAIL

The Honorable Emily I. DeVoe
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