

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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June 12, 2017

Rosemary Chiavetta, Secretary
PA Public Utility Commission
Commonwealth Keystone Bldg.
400 North Street
Harrisburg, PA 17101

Re: Petition of Pennsylvania-American Water
Company for Approval of Tariff Changes and
Accounting and Rate Treatment Related
to Replacement of Lead Customer-Owned
Service Pipes
Docket No. P-2017-2606100

Dear Secretary Chiavetta:

Attached for electronic filing, please find the Answer of the Office of Consumer Advocate in the above-referenced proceeding.

Copies have been served as indicated on the enclosed Certificate of Service.

Respectfully Submitted,

/s/ Christine Maloni Hoover
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Senior Assistant Consumer Advocate
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Enclosure

cc: TUS(email only)
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OALJ
Certificate of Service
*234144

CERTIFICATE OF SERVICE

Petition of Pennsylvania-American Water	:	
Company for Approval of Tariff Changes	:	
And Accounting and Rate Treatment Related	:	Docket No. P-2017-2606100
To Replacement of Lead Customer-Owned	:	
Service Pipes	:	

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate's Answer, 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 12th day of June 2017.

SERVICE BY E-MAIL & INTEROFFICE MAIL

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of Pennsylvania-American Water	:	
Company for an Expedited Order Authorizing	:	
Limited Waivers of Certain Tariff Provisions	:	
and Granting Accounting Approval to	:	Docket No. P-2017-2606100
Record Cost of Certain Customer-Owned	:	
Service Line Replacements to the Company's	:	
Services Account	:	

ANSWER OF THE
OFFICE OF CONSUMER ADVOCATE

Pursuant to Section 5.61(e) of the Pennsylvania Public Utility Commission's (PUC or Commission) rules regarding Answer, 52 Pa. Code § 5.61(e), the Office of Consumer Advocate (OCA) provides the following Answer to the Petition of Pennsylvania-American Water Company (PAWC or Company), in the above-captioned proceeding. As set forth below, the OCA does not disagree with the concept of PAWC replacing customer-owned lead service lines, however, the OCA is not in agreement with the Company's accounting and rate recovery proposals and has questions regarding how the replacement program will implemented.

I. INTRODUCTION

On May 22, 2017, PAWC filed with the Commission a Petition seeking tariff revisions which will allow it to replace lead service pipes¹ subject to the accounting and rate recovery proposals contained in its Petition, authorization to capitalize the costs incurred and to record those costs in Account No. 333 and affirmation that the costs are "eligible property" for water

¹ Rule 2.12 of PAWC's water tariff defines a service pipe as the part of the water line not owned by the Company and that "begins at the Company-owned street service connection and continues into the structure on the premise[s] to be supplied." Petition at 1.

utilities under Section 1351 which means that the Company can recover a return on and a return of the costs through its Distribution System Improvement Charge (DSIC). Petition at 1-2.

As explained in the Petition, there are two parts to the service lines: the first part is the service line which runs from the water main to street service connection (Service Line). Petition at 1. That portion is owned by PAWC and maintained by PAWC. Petition at 5. The other part, called the Service Pipe, is the portion that begins at the Company-owned street service connection and continues into the structure on the premise[s] to be supplied. Petition at 5. The Service Pipe portion is owned and maintained by the customer. Id.

PAWC's plan to replace lead Service Pipes has two parts: first, it will remove and replace lead Service Pipes, with the customer's agreement, that it encounters when it is replacing mains and service lines (Replacement Plan – Part 1). Petition at 2. Second, PAWC will remove and replace lead Service Pipes if a customer requests replacement and subject to verifying that the customer's Service Pipe is made of lead (Replacement Plan – Part 2). Id.

II. ANSWER

PAWC indicates that the Company ceased installing lead Service Lines by the 1950's. Petition at 4. PAWC estimates that it has approximately 18,000 company-owned lead service lines. Petition at 8. However, PAWC indicates that it has tried to do its main and Service Line replacements “to **avoid** portions of its distribution system where lead Service Pipes are likely to remain in service.” Petition at 7(emphasis added). PAWC states that “infrastructure rehabilitation in those areas is necessary and must be undertaken” and that will include replacing lead Service Lines. Id. PAWC does not indicate whether it will prioritize areas with higher numbers of lead Service Lines, rather than avoiding those areas as it states it has done to date.

PAWC also does not indicate a time frame for infrastructure rehabilitation, including replacing lead service lines, or the areas it is referring to in its service territory.

Under its Replacement Plan – Part 1, PAWC indicates that it will replace lead Service Pipes that it encounters during main and/or Service Line replacements whether or not the associated Service line is made of lead or some other materials. Petition at 8.

Part 2 of the Replacement Plan addresses replacement of the lead Service Pipes, which are the portion of the service line owned by the customer. PAWC will offer to replace a Service Pipe at a customer's request if the customer and the Company verify that the Service Pipe is made of lead. Petition at 9. However, PAWC indicates that it will not replace the lead Service Pipes on a customer-by-customer basis. Id. Instead, it will keep a log of the requests grouped by "relevant geographic areas." Id. PAWC states, "When a reasonable number of requests have been received in a given area, the Company . . . will undertake all of the replacements in an area as part of a single project." Id. PAWC does not provide any information regarding how it will make a determination that it has received a "reasonable number" of verified requests in a certain area. PAWC states that it will undertake "appropriate customer education in areas that align with the scope of its Replacement Plan – Part 2 to inform customers in those areas that the Company is offering to replace their lead Service Pipes under the terms and on the timeline explained above." Petition at 10. It is not clear what PAWC means by "those areas" because there is nothing in the Petition that indicates that Part 2 of the Replacement Plan is limited to certain areas of the service territory. Moreover, more information is needed to understand what PAWC means by "the terms and on the timeline explained above." Nor does PAWC indicate that it will provide any customer education to those customers with verified lead service pipes who are listed in the log but waiting for a "reasonable number" of requests to be received.

PAWC states that it estimates that the average cost to replace a lead Service Pipe will be \$3,500. Petition at 10. The Company has proposed a budget cap of \$6 million per year to replace lead Service Pipes. Id. At the average replacement cost, it appears that PAWC is estimating approximately 1,714 lead Service Pipes per year. Part 1 of the Replacement Plan will have the first priority. Id. at 11. Any funds not used in Part 1 will be applied to Part 2 in that year. Id. If the funds are not used in any year, it will be carried forward and added to the next year. Id. It is unclear whether the \$6 million per year will apply to the costs of replacing the lead Service lines (Company-owned portion) or whether the \$6 million is applicable to Service pipes only.

PAWC requests approval to reflect the replacement costs of lead Service Pipes in its DSIC. Petition at 15-16. By this request, PAWC seeks a return on and a return of the costs of replacing customer-owned lead service pipes. PAWC states that one of the reasons it should be permitted to capitalize the costs of replacement of the lead Service Pipes is because the investment “provides a multi-year assurance that it can continue to comply with the LCR...” Petition at 15. However, PAWC also states that its corrosion control program and prudent management of its distribution system have been sufficient to ensure its compliance with the LCR. Petition at 6-7. Seeking a return on and a return of the costs of lead Service Pipes may lead to higher costs to all customers as a result of the replacement program. PAWC has not provided any evidence that the higher costs due to the proposed recovery of a return on and the return of the replacement costs is reasonable.

The OCA submits that additional information is necessary to determine whether PAWC’s proposed expansion of the DSIC eligible property is reasonable in this situation given that there are other ways to address recovery of costs related to replacement of lead Service Pipes. One

way is to create a regulatory asset which would permit the parties and the Commission to more readily follow the year to year costs related specifically to replacement as well as to reflect any state or federal funding that is received.

WHEREFORE, the Office of Consumer Advocate generally supports PAWC's goal of replacing lead Service Pipes. The Office of Consumer Advocate requests that the Petition be referred to the Office of Administrative Law Judge for hearings on issues raised by the OCA's Answer.

Respectfully Submitted,



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