


COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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May 29, 2019

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

Re: Pennsylvania Public Utility Commission  
v.  
Eaton Sewer and Water Company, Inc. -  
Water  
Docket No. R-2019-3009567

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Formal Complaint and Public Statement in the above-referenced proceeding.

Copies have been served per the attached Certificate of Service.

Very truly yours,

A handwritten signature in cursive script that reads "L. Guerra".

Lauren E. Guerra  
Assistant Consumer Advocate  
PA Attorney I.D. # 323192  
E-Mail: [LGuerra@paoca.org](mailto:LGuerra@paoca.org)

Enclosures:

cc: Office of Special Assistants (email only: [ra-OSA@pa.gov](mailto:ra-OSA@pa.gov))  
Office of Administrative Law Judge  
Bureau of Technical Utility Services (email only)  
Certificate of Service  
\*273129

CERTIFICATE OF SERVICE

Re: Pennsylvania Public Utility :  
Commission :  
v. : Docket No. R-2019-3009567  
Eaton Sewer and Water Company, :  
Inc. - Water :

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

Dated this 29<sup>th</sup> day of May 2019.

SERVICE BY E-MAIL and INTEROFFICE MAIL

Richard A. Kanaskie, Esquire  
Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

SERVICE BY E-MAIL and FIRST CLASS MAIL, POSTAGE PREPAID

Shelby A. Linton-Keddie, Esquire  
Office of Small Business Advocate  
300 North Second Street  
Suite 202  
Harrisburg, PA 17101

Jack L. Middleton  
President  
Eaton Sewer and Water Company, Inc.  
5468 Station Hill Road  
Nicholson, PA 18446

Charis Mincavage, Esquire  
Kenneth R. Stark, Esquire  
100 Pine Street  
P.O. Box 1166  
Harrisburg, PA 17108-1166

/s/ Lauren E. Guerra

Lauren E. Guerra  
Assistant Consumer Advocate  
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Christine Maloni Hoover  
Senior Assistant Consumer Advocate  
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\*273132

Counsel for Office of Consumer Advocate  
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Harrisburg, PA 17101-1923  
Phone: (717) 783-5048  
Fax: (717) 783-7152  
Dated: May 29, 2019

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## FORMAL COMPLAINT

### 1. CUSTOMER NAME (COMPLAINANT)

Tanya J. McCloskey, Acting Consumer Advocate

555 Walnut Street  
5<sup>th</sup> Floor, Forum Place  
Harrisburg, PA 17101-1923  
Dauphin County

Phone: (717) 783-5048

Fax: (717) 783-7152

### 2. UTILITY NAME

Eaton Sewer & Water Company, Inc.  
Docket No. R-2019-3009567

### 3. TYPE OF UTILITY

Water

### 4. COMPLAINT

- A. On April 29, 2019, Eaton Sewer & Water Company, Inc. (Eaton or Company) filed Supplement No. 2 to Water – PA. P.U.C. No. 3 (Tariff Water No. 3) with the Pennsylvania Public Utility Commission (Commission) to become effective August 1, 2019. Through this filing, Eaton requests that the Commission approve changes in water rates which would increase the Company's water service operating revenues by 35%, or \$61,573, annually.
- B. The Company provides water service to 131 customers, 106 residential and 25 commercial, in portions of Eaton Township in Wyoming County, Pennsylvania.
- C. Under the proposals, the average monthly bill for a residential water customer using 7,000 gallons per month would increase by \$19.53, from \$55.82 to \$75.35.
- D. The Consumer Advocate is empowered to represent the interests of Pennsylvania consumers before the Pennsylvania Public Utility Commission, pursuant to Act 1976-161 of the General Assembly, as amended, 71 Pa. Stat. Ann §§ 309-1 et seq.
- E. A preliminary examination of the Company's rate increase request indicates that the Company's present rates and proposed charges, increases and changes in rates, rules, and regulations contained within the request are or may be unjust, unreasonable, and in violation of law; will or may allow Eaton an opportunity to recover an excessive rate of return on its utility property investment in violation of the Public Utility Code; will or may discriminate against certain customers; will or may compensate Eaton for providing

inadequate service to some or all of its customers; and otherwise may be contrary to sound ratemaking principles and public policy.

**5. RELIEF**

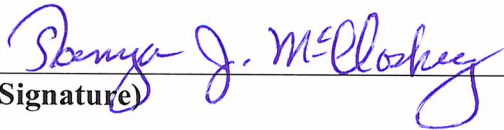
The Acting Consumer Advocate respectfully requests that the Commission take the following actions:

- A. Suspend and investigate the operation of the proposed tariffs, pursuant to Section 1308(d) of the Public Utility Code, 66 Pa. C.S. Section 1308(d);
- B. Consolidate all complaints filed against the proposed increase;
- C. Hold full evidentiary hearings examining the reasonableness of the Company's current rates and its proposed increases in rates;
- D. After providing the public with adequate notice, hold public input hearings in the Company's service territory, in order to provide its customers with an opportunity to be heard on the record;
- E. Deny or modify any changes contained in the proposal which cannot be fully justified by the Company, or which otherwise are contrary to the Public Utility Code, sound ratemaking principles, and public policy;
- F. Grant such other relief that the Commission may deem to be necessary and proper.

6. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

*Verification: I, Tanya J. McCloskey, hereby state that the facts above set forth are true and correct (or 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).*

  
(Signature)

5/29/19  
(Date)

7. LEGAL REPRESENTATION

Lauren E. Guerra  
Assistant Consumer Advocate  
PA Attorney ID No. 323192  
Email: [LGuerra@paoca.org](mailto:LGuerra@paoca.org)

Christine Maloni Hoover  
Senior Assistant Consumer Advocate  
PA Attorney ID No. 50026  
Email: [CHoover@paoca.org](mailto:CHoover@paoca.org)

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PUBLIC STATEMENT OF THE  
OFFICE OF CONSUMER ADVOCATE  
PURSUANT TO 71 P.S. SECTION 309-4(e)

Act 161 of the Pennsylvania General Assembly, 71 P.S. § 309-2, as enacted July 9, 1976, authorizes the Consumer Advocate to represent the interests of consumers before the Pennsylvania Public Utility Commission (PUC or Commission). In accordance with Act 161, the Acting Consumer Advocate determined to file a Formal Complaint and participate in proceedings before the Commission involving the proposed rate increase requested by Eaton Sewer & Water Company, Inc. (Eaton or Company).

On April 29, 2019, Eaton filed Supplement No. 2 to Water – PA P.U.C. No. 3 (Tariff Water No. 3) with the Commission to become effective August 1, 2019. Through this tariff, Eaton requests that the Commission approve a 35% rate increase amounting to an additional \$61,573 in water service revenues annually.

The objective of the Acting Consumer Advocate is to protect the interests of Eaton customers. The Acting Consumer Advocate will seek to ensure that the Company is permitted to implement only a level of rates that is fully justified in law and in accordance with sound ratemaking principles. The Acting Consumer Advocate will also strive to prevent the Company from collecting from ratepayers all alleged costs that cannot be justified, are unreasonable or unduly discriminatory, or otherwise not in accord with the Public Utility Code. The Acting Consumer Advocate submits that Eaton's current rates and the rates sought by Eaton may be unjustifiable and unlawful based upon information filed by the Company in support of its claim.

Eaton provides water service to 131 customers in portions of Eaton Township in Wyoming County, Pennsylvania.