



COMMONWEALTH OF PENNSYLVANIA

June 10, 2019

E-FILED

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

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

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:

Brian Kalcic
Excel Consulting
225 S. Meramec Avenue, Suite 720 T
St. Louis, MO 63105
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,

A handwritten signature in blue ink that reads "Shelby A. Linton-Keddie".

Shelby A. Linton-Keddie
Assistant Small Business Advocate
Attorney ID No. 206425

cc: Brian Kalcic
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**OFFICE OF SMALL BUSINESS ADVOCATE
PREHEARING MEMORANDUM**

I. INTRODUCTION

The Office of Small Business Advocate (“OSBA”) is authorized to represent the interests of small business consumers 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 this proceeding. Representing the OSBA in this matter is Assistant Small Business Advocate Shelby A. Linton-Keddie. Please address all correspondence as follows:

Shelby A. Linton-Keddie
Assistant Small Business Advocate
Office of Small Business Advocate
300 North Second Street, Suite 202
Harrisburg, Pennsylvania 17101
(717) 783-2525
(717) 783-2831 (fax)
slinton-ke@pa.gov

II. FILING BACKGROUND

This proceeding involves the rates, terms, and other provisions of Supplement No. 2 to Tariff Water – Pa. P.U.C. No. 3 (“Supplement No. 2”), which was filed on April 29, 2019 by Eaton Water and Sewer Company, Inc. (“Eaton” or “Company”). The proposed tariff supplement, if approved by the Commission, would increase the Company’s base rates, customer charges, availability fees, sprinklers and fire protection for all customer classes served by Eaton. The total increase would be approximately \$61,573. The OSBA filed a Complaint on May 10, 2019. At the Public Meeting of May 23, 2019, the Commission entered an Order suspending the filing until March 1, 2020, and referring the matter to the Office of Administrative Law Judge for Alternative Dispute Resolution, if possible, and for prompt scheduling of hearing and disposition.

III. IDENTIFICATION OF WITNESSES

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

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

The OSBA requests that all parties provide courtesy copies of all documents, including discovery, testimony and briefs, to Mr. Kalcic, simultaneously with service upon the OSBA.

IV. IDENTIFICATION OF ISSUES

The OSBA is participating in the case to assure that the interests of small business customers of PECO are adequately represented and protected. After an initial review of the materials submitted by Eaton, the OSBA has identified the following issues for further examination:

1. Whether Eaton has properly justified its revenue requirement request;
2. Whether the Company's claimed rate of return of common equity is excessive;
3. Whether the Company's proposed revenue allocation and rate design would result in unjust and/or unreasonable rates; and
4. Any other issues that may arise in the course of the OSBA's review of the Company's filing that affect small business customers.

As appropriate and necessary, the OSBA will investigate and analyze the claims and proposals of the Company and other parties through discovery, through the cross-examination of witnesses appearing for those parties, through the filing of testimony, and through briefing. The OSBA will particularly focus on any issue where the impact on the interests of the Company's small business consumers would be unjustifiably different than, or disproportionate to, the impact on another class of customers, or otherwise lacking in reasonableness or basic fairness. The OSBA reserves the right to pursue additional issues as they arise throughout the proceeding.

IV. SERVICE OF DOCUMENTS

The OSBA requests that all parties serve a hard copy of any document filed in this case upon the OSBA and the OSBA witness identified above. In addition to hard copies of pleadings, briefs, and exceptions, the OSBA requests hard copies of responses to discovery propounded by the OSBA or any other party. Service by electronic mail *only* is not acceptable.

V. SETTLEMENT

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

VI. HEARING AND BRIEFING SCHEDULE

The OSBA will cooperate with the other parties to develop a procedural schedule.

Respectfully submitted,



Shelby A. Linton-Keddie
Assistant Small Business Advocate
PA Attorney ID No. 206425

For:

John R. Evans
Small Business Advocate

Office of Small Business Advocate
300 North Second Street, Suite 202
Harrisburg, PA 17101

Dated: July 10, 2019

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :
 :
 v. : **Docket No. R-2019-3009567**
 : **Docket No. C-2019-3009811**
Eaton Sewer & Water Company, Inc. :

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served via email and/or First-Class mail (*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 Andrew Calvelli
Chief Administrative Law Judge
Pennsylvania Public Utility Commission
400 North Street
Commonwealth Keystone Building
Harrisburg, PA 17120
acalvelli@pa.gov
(Email and Hand Delivery)


Allison C. Kaster, Esquire
Bureau of Investigation & Enforcement
400 North Street
Commonwealth Keystone Building
Harrisburg, PA 17120
akaster@pa.gov
(Counsel for BIE)
(Email and Hand Delivery)

Tanya J. McCloskey, Esquire
Acting Consumer Advocate
Office of Consumer Advocate
555 Walnut Street, 5th Floor
Harrisburg, PA 17101
tmccloskey@paoca.org
(Counsel for OCA)
(Email and Hand Delivery)

Charis Mincavage, Esquire
Kenneth R. Stark, Esquire
McNees Wallace & Nurick LLC
100 Pine Street, PO Box 1166
Harrisburg, PA 17108
cmincavage@mcneeslaw.com
kstark@mcneeslaw.com
(Counsel for Eaton)

Lauren E. Guerra, Esquire
Christine Maloni Hoover, Esquire
Office of Consumer Advocate
555 Walnut Street, 5th Floor
Harrisburg, PA 17101
LGuerra@paoca.org
CHoover@paoca.org
(Counsel for OCA)
(Email and Hand Delivery)

DATE: July 10, 2019



Shelby A. Linton-Keddie
Assistant Small Business Advocate
Attorney ID No. 206425