



COMMONWEALTH OF PENNSYLVANIA

August 27, 2020

**E-FILED**

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

**Re: Pennsylvania Public Utility Commission v. The City of Bethlehem – Water  
Department Supplement No. 15 Tariff Water- Pa P.U.C. No. 6 / Docket No. R-2020-  
3020256**

Dear Secretary Chiavetta:

Enclosed please find the Complaint, Public Statement, and Verification, on behalf of the Office of Small Business Advocate (“OSBA”), in the above-captioned proceeding.

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 I.D. No. 77538

*Enclosures*

cc: Brian Kalcic  
Parties of Record

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Pennsylvania Public Utility Commission</b>	:	
	:	
<b>v.</b>	:	<b>Docket No. R-2020-3020256</b>
	:	
<b>The City of Bethlehem – Water</b>	:	
<b>Department Supplement No. 15 Tariff</b>	:	
<b>Water- Pa P.U.C. No. 6</b>	:	

**COMPLAINT OF THE  
SMALL BUSINESS ADVOCATE**

1. The Complainant is:

John R. Evans  
Small Business Advocate  
555 Walnut Street  
Forum Place, 1<sup>st</sup> Floor  
Harrisburg, PA 17101  
(717) 783-2525

2. The name and address of the attorney for the Office of Small Business Advocate (“OSBA”) is:

Steven C. Gray  
Senior Supervising  
Assistant Small Business Advocate  
Office of Small Business Advocate  
555 Walnut Street  
Forum Place, 1<sup>st</sup> Floor  
Harrisburg, PA 17101  
(717) 783-2525

3. The respondent utility is:

City of Bethlehem – Water Department  
10 East Church Street  
Bethlehem, PA 18018

4. The Complainant is authorized and directed by the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50, to represent the interests of small business consumers of utility services in matters before the Pennsylvania Public Utility Commission (“Commission”).

5. This Complaint is filed against the rates, terms, and other provisions of Supplement No. 15 to Tariff Water Pa. P.U.C. No. 6 (“Supplement No. 6”), which was filed with the Commission on July 31, 2020, by the City of Bethlehem – Water Department (“Bethlehem Water” or the “Company”). The rates set forth in Supplement No. 6, if approved by the Commission, would increase Bethlehem Water’s annual jurisdictional revenues by \$908,421.

6. After preliminary review of the materials filed by the Company in support of the proposed Tariffs, Complainant believes, and therefore avers, that those materials may be insufficient to justify the rate increase requested and that the Company’s present and proposed rates, rules, and conditions of service may be unjust, unreasonable, unduly discriminatory, and otherwise contrary to law, particularly as they pertain to small business customers.

7. Complainant believes, and therefore avers, that Bethlehem Water’s proposed tariff changes and proposed rates, rate design, and revenue allocation are or may be unjust, unreasonable, and unlawfully discriminatory in violation of, *inter alia*, Sections 1301 and 1304 of the Public Utility Code, 66 Pa. C.S. §§1301 and 1304, and contrary to appropriate public policy and sound ratemaking considerations, and may not be supported by the materials filed by the Company.

8. In view of the foregoing, the Small Business Advocate respectfully requests that the Pennsylvania Public Utility Commission:

A. Suspend and investigate the operation of Supplement No. 6;

- B. At the conclusion of such investigation, reject the proposed new rates and other tariff changes in Supplement No. 6 to the extent required to make certain that Bethlehem Water's rates are lawful, just, reasonable, and not unduly discriminatory to small business customers; and
- C. Grant such other relief as may be necessary or appropriate.

Respectfully submitted,

/s/ Steven C. Gray

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

Office of Small Business Advocate  
555 Walnut Street  
Forum Place, 1<sup>st</sup> Floor  
Harrisburg, PA 17101  
(717) 783-2525  
(717) 783-2831 (fax)

Dated: August 27, 2020

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Pennsylvania Public Utility Commission</b>	:	
	:	
v.	:	<b>Docket No. R-2020-3020256</b>
	:	
<b>The City of Bethlehem – Water</b>	:	
<b>Department Supplement No. 15 Tariff</b>	:	
<b>Water- Pa P.U.C. No. 6</b>	:	

**PUBLIC STATEMENT OF  
THE OFFICE OF SMALL BUSINESS ADVOCATE**

The Small Business Advocate is authorized and directed to represent the interest of small business consumers of utility services in Pennsylvania under the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50 (“Act”). The Act further provides that the Small Business Advocate is to issue publicly a written statement stating concisely the specific interest of small business consumers to be protected by his initiation of or intervention in any proceeding involving those interests before the Public Utility Commission (“Commission”) or any other agency or court. This public statement relates to the filing today by the Small Business Advocate of a complaint against the proposed base rate tariff filings of City of Bethlehem – Water Department (“Bethlehem Water” or the “Company”), which would increase the annual operating revenue of Bethlehem Water by \$908,421 per year.

The Small Business Advocate files this formal complaint against the Company’s proposed base rate tariff filings in order to protect the interests of the Company’s small business customers. A thorough inquiry by the Commission into all of the elements of the Company’s proposed base rate tariff filings is necessary to ensure that the tariff filings are lawful, just, reasonable, and not unduly discriminatory to Bethlehem Water’s small business customers.

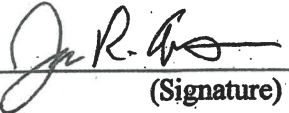
In view of the foregoing, the Small Business Advocate will participate in proceedings before the Public Utility Commission to investigate the reasonableness of the proposed base rate tariff filings. The Small Business Advocate will ask the Commission to deny any proposed new rates and other tariff changes that apply to small business customers that are not proven by Bethlehem Water to be lawful, just, reasonable, and not unduly discriminatory to the Company's small business customers.

Dated: August 27, 2020

**VERIFICATION**

I, John R. Evans, hereby state that the facts set forth herein above 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).

Date: 08/27/2020

  
\_\_\_\_\_  
(Signature)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Pennsylvania Public Utility Commission</b>	:	
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<b>v.</b>	:	<b>Docket No. R-2020-3020256</b>
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<b>The City of Bethlehem – Water</b>	:	
<b>Department Supplement No. 15 Tariff</b>	:	
<b>Water- Pa P.U.C. No. 6</b>	:	

**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 other 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 Charles E. Rainey Jr.  
Chief Administrative Law Judge  
Pennsylvania Public Utility Commission  
400 North Street  
Commonwealth Keystone Building  
Harrisburg, PA 17120  
[crainey@pa.gov](mailto:crainey@pa.gov)

Tanya J. McCloskey, Esquire  
Christine Maloni Hoover, Esq.  
Office of Consumer Advocate  
555 Walnut Street, 5th Floor  
Harrisburg, PA 17101  
[tmccloskey@paoca.org](mailto:tmccloskey@paoca.org)  
[choover@paoca.org](mailto:choover@paoca.org)  
(*Counsel for OCA*)

John M. Coogan, Esquire  
Bureau of Investigation & Enforcement  
400 North Street  
Commonwealth Keystone Building  
Harrisburg, PA 17120  
[jcoogan@pa.gov](mailto:jcoogan@pa.gov)  
(*Counsel for BIE*)

Thomas T. Niesen, Esquire  
Thomas, Niesen & Thomas, LLC  
212 Locust Street, Suite 302  
Harrisburg, PA 17101  
[tniesen@tntlawfirm.com](mailto:tniesen@tntlawfirm.com)

DATE: August 27, 2020

/s/ Steven C. Gray

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