



COMMONWEALTH OF PENNSYLVANIA
December 8, 2020

E-FILED

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

Re: Application of Pennsylvania-American Water Company Pursuant to Sections 507, 1102 and 1329 of the Public Utility Code for Approval of its Acquisition of the Wastewater System Assets of Royersford Borough / Docket No. A-2020-3019634

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:

Mr. Brian Kalcic
Excel Consulting
225 S. Meramec Avenue, Suite 720
St. Louis, MO 63105
314-725-2511
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,

/s/ Sharon E. Webb

Sharon E. Webb
Assistant Small Business Advocate
Attorney ID No. 73995

Enclosures

cc: Brian Kalcic
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Pennsylvania-American :
Water Company Pursuant to Sections 507, :
1102 and 1329 of the Public Utility Code for : **Docket No. A-2020-3019634**
Approval of its Acquisition of the :
Wastewater System Assets of Royersford :
Borough :

**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 are Assistant Small Business Advocates Sharon E. Webb and Daniel G. Asmus. Please address all correspondence as follows:

Sharon E. Webb
Assistant Small Business Advocate
Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, Pennsylvania 17101
(717) 783-2525
(717) 783-2831 (fax)
swebb@pa.gov

II. FILING BACKGROUND

On July 14, 2020 the Pennsylvania-American Water Company (“PAWC” or the “Company”) filed, an Application for approval of the transfer, by sale, of substantially all of the Borough of Royersford’s assets, properties and rights related to its wastewater collection and treatment system to PAWC (“Application”).

On July 29, 2020, the OSBA filed a Notice of Intervention and Public Statement.

On July 29, 2020, the Office of Consumer Advocate (“OCA”) filed a Protest and Public Statement.

The Bureau of Investigation and Enforcement (“I&E”) filed a Notice of Appearance on August 11, 2020. On November 12, 2020, the Borough of Royersford filed a Petition to Intervene.

Administrative Law Judge (“ALJ”) Marta Guhl was assigned to this proceeding and issued a Prehearing Conference Order on November 3, 2020, informing the parties that the initial Prehearing Conference on this case will be held on December 10, 2020. The OSBA submits this prehearing memorandum in accordance with that order.

III. WITNESS

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

Brian Kalcic
Excel Consulting
Suite 720
225 S. Meramec Ave.
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, upon Mr. Kalcic, simultaneously with service upon the OSBA.

IV. IDENTIFICATION OF ISSUES

The OSBA is participating in this case to ensure that the interests of small business customers of PAWC and Borough of Royersford are adequately represented and protected. As appropriate and necessary, the OSBA will investigate and analyze the claims and proposals of PAWC and other parties, primarily through discovery, cross-examination of witnesses appearing for those parties, filing of testimony, and briefing of the issues that arise in this proceeding.

The OSBA will particularly focus on any issue where the impact on the interests of the 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 will also focus on the rates applicable to acquired customers following the closing of the proposed acquisition, including how long such rates are proposed to remain in effect. The OSBA submits that further information is required to determine the impact on small business customers.

The OSBA reserves the right to pursue additional issues as they may arise throughout the course of the proceeding.

IV. SERVICE OF DOCUMENTS

In accordance with 52 Pa. Code § 1.54(b)(3)(i), the OSBA agrees to accept electronic mail delivery of documents on the due date¹ as satisfying the in-hand requirement. At the time of this writing, hard copy delivery of documents to the OSBA is not possible. The OSBA requests that email delivery of documents also be provided to its witnesses identified above.

In addition to email copies of pleadings, briefs, and exceptions, the OSBA requests email copies of responses to discovery propounded by the OSBA or any other party.

¹ In accordance with 52 Pa. Code § 1.56(a)(5), documents must be received by 4:30 pm.

V. DISCOVERY

The OSBA will work with the Presiding Officer and the other parties to develop any mutually acceptable discovery modifications.

VI. SETTLEMENT

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

VII. PROCEDURAL SCHEDULE

The OSBA will work with the Presiding Officer and the other parties to develop a mutually acceptable procedural schedule.

Respectfully submitted,

/s/ Sharon E. Webb

Sharon E. Webb Attorney ID No. 73955
Assistant Small Business Advocate

For:

John R. Evans
Small Business Advocate

Office of Small Business Advocate
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555 Walnut Street, 1st Floor
Harrisburg, PA 17101
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(717) 783-2831 (fax)

Dated: December 8, 2020

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Application of Pennsylvania-American :
Water Company Pursuant to Sections :
507, 1102 and 1329 of the Public Utility : Docket No. A-2020-3019634
Code for Approval of its Acquisition of :
the Wastewater System Assets of :
Royersford Borough :**

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served via email only (*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).

Administrative Law Judge Marta Guhl
Commonwealth of Pennsylvania
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DATE: December 8, 2020

/s/ Sharon E. Webb

Sharon E. Webb
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Attorney ID No. 73995