



COMMONWEALTH OF PENNSYLVANIA

February 11, 2021

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-Wastewater Division under Section 1329 of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 1329, for the Acquisition of Royersford Borough's Wastewater System Assets / Docket No. A-2020-3019634

Dear Secretary Chiavetta:

The Pennsylvania Public Utility Commission's Implementation Order at *Electronic Access to Pre-Served Testimony*, Docket No. M-2012-2331973, requires that all testimony furnished to the court reporter during a proceeding must subsequently be provided to the Secretary's Bureau.

As such, this letter will confirm that the Office of Small Business Advocate ("OSBA") has filed the Direct Testimony of Brian Kalcic, labeled OSBA Statement No. 1 and the Surrebuttal Testimony of Brian Kalcic labeled OSBA Statement No. 1-S on behalf of the OSBA, in the above-captioned proceeding.

All known parties were previously served with the aforementioned Testimony. If you have any questions, please 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 (Cover Letter and Certificate of Service Only)



COMMONWEALTH OF PENNSYLVANIA

December 21, 2020

Administrative Law Judge Marta Guhl
Commonwealth of Pennsylvania
Office of Administrative Law Judge
801 Market Street, Suite 4063
Philadelphia, PA 19107

Re: Application of Pennsylvania-American Water Company-Wastewater Division under Section 1329 of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 1329, for the Acquisition of Royersford Borough's Wastewater System Assets / Docket No. A-2020-3019634

Dear Judge Guhl:

Enclosed please find the Direct Testimony of Brian Kalcic, labeled OSBA Statement No. 1, on behalf of the Office of Small Business Advocate ("OSBA"), in the above-captioned proceeding.

As evidenced by the enclosed Certificate of Service, all known parties will be served, as indicated.

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: PA PUC Secretary Rosemary Chiavetta (Cover Letter & Certificate of Service only)
Brian Kalcic
Parties of Record

OSBA STATEMENT NO. 1

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Application and Related Filings of Pennsylvania-American Water :
Company under Sections 507, 1102(a) and 1329 of the :
Pennsylvania Public Utility Code, 66 Pa C.S. §§507, 1102(a), 1329, :
for approval of its acquisition of the wastewater system assets of :
Royersford Borough, related to wastewater service rights, fair : Dk. No. A-2020-3019634
market valuation, ratemaking treatment, collection of distribution :
system improvement charge, deferral of the post-acquisition :
improvement costs and claim for transaction and closing costs. :**

Direct Testimony of

BRIAN KALCIC

On Behalf of the

Pennsylvania Office of Small Business Advocate

Date Served: December 22, 2020

Date Submitted for the Record: February 5, 2021

Direct Testimony of Brian Kalcic

1 **Q. Please state your name and business address.**

2 A. Brian Kalcic, 225 S. Meramec Avenue, St. Louis, Missouri 63105.

3

4 **Q. What is your occupation?**

5 A. I am an economist and consultant in the field of public utility regulation, and
6 principal of Excel Consulting. My qualifications are described in the Appendix to
7 this testimony.

8

9 **Q. On whose behalf are you testifying in this case?**

10 A. I am testifying on behalf of the Office of Small Business Advocate ("OSBA"),
11 which is representing the small business customers served by Pennsylvania -
12 American Water Company ("PAWC" or the "Company").

13

14 **Q. What is the subject of your testimony?**

15 A. I will examine certain rate commitments contained in Section 7.03 of the proposed
16 Asset Purchase Agreement ("APA") by and between Royersford Borough, as
17 Seller, and PAWC, as Buyer (collectively, the "Applicants").

18

19 **Q. Please summarize your recommendations.**

20 A. As a condition for approval of the Proposed Transaction, I recommend that the
21 Commission:

22

23

Direct Testimony of Brian Kalcic

- 1 • reject the provision in Section 7.03 of the APA that requires that
2 PAWC not implement a base rate increase for Royersford customers
3 until after the second anniversary of the Closing Date of the
4 Proposed Transaction; and
5
6 • direct PAWC to propose to begin the process of consolidating
7 Royersford's rates with the Company's system-wide average rates
8 for wastewater service in its first rate proceeding following approval
9 of the Proposed Transaction.

10
11 **Section 7.03 of the APA**

12
13 **Q. Mr. Kalcic, what does Section 7.03 of the APA address?**

14 A. Section 7.03 addresses the current and future wastewater rates applicable to
15 Royersford Borough customers under the terms of the APA.

16
17 **Q. What are the key provisions of Section 7.03?**

18 A. The key provisions of Section 7.03 are as follows: 1) Buyer shall implement the
19 Seller's sanitary wastewater base rates then in effect upon the Closing Date of the
20 Proposed Transaction; 2) Buyer shall not implement a base rate increase for
21 Royersford customers until after the second anniversary of the Closing Date; 3)
22 Buyer intends to bill Royersford customers on a monthly instead of annual basis,
23 and will prorate Royersford's existing rates accordingly; 4) PAWC may apply

Direct Testimony of Brian Kalcic

1 PaPUC permitted or required surcharges or pass-through costs to Royersford's
2 customers after Closing; and 5) Buyer shall include the above rate provisions in its
3 requested PaPUC Governmental Approval.
4

5 **Q. How do the current rates paid by Royersford customers compare to those paid**
6 **by PAWC's existing wastewater system customers?**

7 A. Royersford's wastewater rates are very much lower. For example, the current
8 average monthly bill of a residential customer in Royersford, using 3,630 gallons
9 per month, is \$30.00.¹ As shown in Table A below, the monthly bill paid by a
10 residential customer in the Company's Rate Zone 1 (i.e., Main Division), using the
11 same 3,630 gallons per month, is \$68.18 inclusive of the DSIC. As such, the
12 average monthly bill paid by a residential customer in Royersford is presently
13 \$38.18 or 56.0% less than the equivalent bill paid by a PAWC residential customer
14 taking service under the Company's Rate Zone 1 rate schedule.
15
16

¹ See Appendix A-18-d to the Application.

Direct Testimony of Brian Kalcic

1
2
3
4
5

Table A

Computation of Monthly Wastewater Bill of Residential Customer
in PAWC's Rate Zone 1, using 3,630 gallons

<u>Description</u>	<u>Monthly Tariff Charge</u>
Customer Charge	\$10.00
Consumption @ \$1.5132 Per 100 G.	<u>54.93</u>
Subtotal	\$64.93
DSIC @ 5.0%	<u>3.25</u>
Total Bill	\$68.18

6
7

Source: PAWC's current tariff.

8

9 **Q. Could PAWC's commitment to freeze base rates for Royersford customers**
10 **until after the second anniversary of the Closing date hold rates constant for a**
11 **period of time of time beyond the effective date of new rates in the Company's**
12 **next base rate case?**

13 A. It could, depending on the timing of the Company's next rate filing.

14

15 **Q. Does PAWC expect Royersford's rates would be held constant beyond the**
16 **effective date of new rates in its next rate proceeding?**

Direct Testimony of Brian Kalcic

1 A. No, since Royersford is not included in the Company's base rate case that is
2 currently pending before the Commission.² At the same time, however, PAWC has
3 not indicated when it expects to file its next base rate proceeding.
4

5 **Q. Has PAWC provided any rationale in support of its commitment to freeze base**
6 **rates for Royersford customers until after the second anniversary of the**
7 **Closing?**

8 A. No, it has not.
9

10 **Q. Would it be appropriate to freeze Royersford's base rates beyond the effective**
11 **date of new rates in Company's next base rate proceeding?**

12 A. No.
13

14 **Q. Why not?**

15 A. In the OSBA's view, *all* of the Company's wastewater base rates should be
16 evaluated in each base rate proceeding. To the extent that the average rate paid in a
17 given rate area is less than the Company's system average rate for wastewater
18 service, wastewater rates in that rate area should be subject to increase in a base rate
19 proceeding.
20

21 **Q. In the context of PAWC's next base rate proceeding, what would be the**
22 **consequence of freezing the wastewater rates paid by Royersford customers,**

² See PAWC Statement No. 1 at page 16.

Direct Testimony of Brian Kalcic

1 **when such rates are currently less than the Company's system wide (i.e., Main**
2 **Division) rates for wastewater service?**

3 A. In that instance, Royersford customers would not only continue to receive a subsidy
4 from PAWC's remaining wastewater service customers, the annual subsidy
5 received by Royersford ratepayers would *increase* at the conclusion of the
6 Company's next rate case.

7

8 **Q. Should the Commission approve a rate freeze period for Royersford customers**
9 **that extends beyond the effective date of new rates in the Company's next base**
10 **rate case?**

11 A. No. As a condition for approval of the proposed acquisition, the Commission
12 should reject any rate freeze for Royersford customers that may extend beyond the
13 effective date of new rates in the Company's next base rate case.

14

15 **Q. Do you have an additional recommendation?**

16 A. Yes. In order to be consistent with the Commission's long-standing practice of
17 implementing single tariff pricing, the Commission should also direct PAWC to
18 propose to begin the process of consolidating Royersford's rates with the
19 Company's system-wide average rates for wastewater service in its first rate
20 proceeding following approval of the Proposed Transaction.

21

22 **Q. Does this conclude your direct testimony?**

23 A. Yes.

Direct Testimony of Brian Kalcic

APPENDIX

Direct Testimony of Brian Kalcic

APPENDIX

Qualifications of Brian Kalcic

Mr. Kalcic graduated from Benedictine University with a Bachelor of Arts degree in Economics in December 1974. In May 1977 he received a Master of Arts degree in Economics from Washington University, St. Louis. In addition, he has completed all course requirements at Washington University for a Ph.D. in Economics.

From 1977 to 1982, Mr. Kalcic taught courses in economics at both Washington University and Webster University, including Microeconomic and Macroeconomic Theory, Labor Economics and Public Finance.

During 1980 and 1981, Mr. Kalcic was a consultant to the Equal Employment Opportunity Commission, St. Louis District Office. His responsibilities included data collection and organization, statistical analysis and trial testimony.

From 1982 to 1996, Mr. Kalcic was employed by the firm of Cook, Eisdorfer & Associates, Inc. During that time, he participated in the analysis of electric, gas and water utility rate case filings. His primary responsibilities included cost-of-service and economic analysis, model building, and statistical analysis.

In March 1996, Mr. Kalcic founded Excel Consulting, a consulting practice that offers business and regulatory analysis.

Mr. Kalcic has previously testified before the state regulatory commissions of Delaware, Indiana, Kansas, Kentucky, Maine, Massachusetts, Minnesota, Missouri, New Jersey, New York, Ohio, Oregon, Pennsylvania, and Texas, and also before the Bonneville Power Administration.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Application of Pennsylvania-American :
Water Company-Wastewater Division :
under Section 1329 of the Pennsylvania : Docket No. A-2020-3019634
Public Utility Code, 66 Pa. C.S. § 1329, :
for the Acquisition of Royersford :
Borough's Wastewater System Assets :**

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).

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DATE: December 21, 2020

/s/ Sharon E. Webb

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



COMMONWEALTH OF PENNSYLVANIA

January 13, 2021

Administrative Law Judge Marta Guhl
Commonwealth of Pennsylvania
Office of Administrative Law Judge
801 Market Street, Suite 4063
Philadelphia, PA 19107

Re: Application of Pennsylvania-American Water Company-Wastewater Division under Section 1329 of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 1329, for the Acquisition of Royersford Borough's Wastewater System Assets / Docket No. A-2020-3019634

Dear Judge Guhl:

Enclosed please find the Surrebuttal Testimony of Brian Kalcic, labeled OSBA Statement No. 1-S, on behalf of the Office of Small Business Advocate ("OSBA"), in the above-captioned proceeding.

As evidenced by the enclosed Certificate of Service, all known parties will be served, as indicated.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Sharon E. Webb

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Assistant Small Business Advocate
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Enclosures

cc: PA PUC Secretary Rosemary Chiavetta (Cover Letter & Certificate of Service only)
Brian Kalcic
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Water Company-Wastewater Division :
under Section 1329 of the Pennsylvania : Docket No. A-2020-3019634
Public Utility Code, 66 Pa. C.S. § 1329, :
for the Acquisition of Royersford :
Borough's Wastewater System Assets :**

Surrebuttal Testimony of

BRIAN KALCIC

On Behalf of the

Pennsylvania Office of Small Business Advocate

Date Served: January 13, 2021

Date Submitted for the Record: February 5, 2021

Surrebuttal Testimony of Brian Kalcic

1 **Q. Please state your name and business address.**

2 A. Brian Kalcic, 225 S. Meramec Avenue, St. Louis, Missouri 63105.

3

4 **Q. Have you previously submitted testimony in this proceeding?**

5 A. Yes.

6

7 **Q. What is the subject of your surrebuttal testimony?**

8 A. I will respond to the rebuttal testimony of PAWC witness Rod P. Nevirauskas.

9

10 **Company Witness Nevirauskas**

11

12 **Q. On pages 5-6 of PAWC Statement No. 3-R, Mr. Nevirauskas discusses your**
13 **recommendation that, as a condition for approval of the Proposed**
14 **Transaction, the Commission should reject the provision in Section 7.03 of the**
15 **APA that requires that PAWC not implement a base rate increase for**
16 **Royersford customers until after the second anniversary of the Closing Date of**
17 **the Proposed Transaction. Does Mr. Nevirauskas agree with the OSBA's**
18 **recommendation?**

19 A. No. First, Mr. Nevirauskas states that rate commitment constitutes an important
20 part of the APA, and that rejecting the rate freeze would alter the terms of the APA
21 and potentially jeopardize the Proposed Transaction. Second, Mr. Nevirauskas
22 claims that the OSBA's recommendation is unnecessary in as much as (i) the timing
23 of the Company's next base rate case is uncertain, and it is therefore unknown
24 whether any new rates would become effective within two years of Closing Date,

Surrebuttal Testimony of Brian Kalcic

1 and (ii) nothing in the APA purports to restrict the Commission's authority to set
2 rates that are just and reasonable in the context of the Company's next base rate
3 proceeding.
4

5 **Q. What is your response to Mr. Nevirauskas?**

6 A. I have several comments. First, with regard to Mr. Nevirauskas' argument that the
7 rate commitment constitutes an important part of the APA, and that rejecting the
8 rate freeze could jeopardize the Proposed Transaction, I would point out that the
9 Applicants have simultaneously acknowledged that nothing in the APA is intended
10 to restrict the Commission's authority to set just and reasonable rates for
11 Royersford in the context of PAWC's next base rate proceeding. In other words,
12 the Applicants claim that the Commission retains the ultimate authority both to (i)
13 approve the Proposed Transaction and (ii) approve an increase for Royersford in the
14 Company's next rate case that may become effective within two years of the
15 Closing Date. If that is the case, I fail to see why rejecting the rate freeze should be
16 presumed to jeopardize the Proposed Transaction, since the rate freeze itself would
17 apparently not be guaranteed upon Commission approval of the acquisition.

18 Second, with regard to the Company's claim that the OSBA's
19 recommendation is unnecessary and/or speculative in nature, Mr. Nevirauskas
20 appears to suggest that there is no need to discuss Royersford's future rates outside
21 of the context of the Company's next base rate proceeding, the timing of which is
22 uncertain at this time. I would normally agree – except for the fact that PAWC
23 proposes to do just that by including rate commitments to Royersford in Section

Surrebuttal Testimony of Brian Kalcic

1 **7.03 of the APA that would otherwise seek to impact future Royersford rates**
2 **outside of the context of a base rate case.**

3 Finally, as a general matter, I would argue that it is ultimately disingenuous
4 for acquiring utilities to agree to rate commitments in an APA that would limit the
5 rate increases applicable to customers of acquired systems in early post-acquisition
6 rate cases. Doing so will only mislead acquired customers regarding the rates they
7 should expect to pay, post-acquisition, under the Commission's policy of single
8 tariff pricing.

9
10 **Q. On pages 6-7 of his rebuttal testimony, Mr. Nevirauskas discusses your**
11 **recommendation that, as a further condition for approval of the Proposed**
12 **Transaction, the Commission should direct PAWC to propose to begin the**
13 **process of consolidating Royersford's rates with the Company's system-wide**
14 **average rates for wastewater service in its first rate proceeding following**
15 **approval of the Proposed Transaction. What is Mr. Nevirauskas' response?**

16 **A.** Mr. Nevirauskas again claims the OSBA's recommendation is unnecessary since
17 the Commission has statutory authority to set just and reasonable rates in a future
18 PAWC rate proceeding, regardless of the rate proposal submitted by the Company.
19 In Mr. Nevirauskas' view, the Commission "should not pre-judge PAWC's next
20 base rate case by telling PAWC what must be in its proposal."

21

22 **Q. What is your response?**

Surrebuttal Testimony of Brian Kalcic

1 A. I would simply emphasize that the OSBA recommendation that is at issue here was
2 proposed in response to PAWC's commitment in the APA to implement a rate
3 freeze for Royersford customers for a period of two years following the closing date
4 of the Proposed Transaction. If the Applicants had not sought to determine the
5 level of Royersford's future rates for a period of time conditional upon Commission
6 approval of the Proposed Transaction, there would have been no need for the OSBA
7 to address the subject of future rates in this proceeding.

8

9 **Q. Does this conclude your surrebuttal testimony?**

10 **A. Yes.**

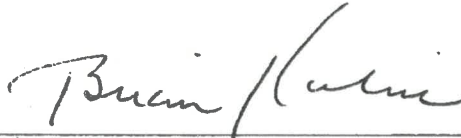
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Application and Related Filings of Pennsylvania-American Water :
Company under Sections 507, 1102(a) and 1329 of the :
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market valuation, ratemaking treatment, collection of distribution :
system improvement charge, deferral of the post-acquisition :
improvement costs and claim for transaction and closing costs. :**

VERIFICATION

I, Brian Kalcic, hereby state that the facts set forth in my surrebuttal testimony labeled OSBA Statement No. 1-S 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: January 12, 2021



(Signature)

Brian Kalcic

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Application of Pennsylvania-American :
Water Company-Wastewater Division :
under Section 1329 of the Pennsylvania : Docket No. A-2020-3019634
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DATE: January 13, 2021

/s/ Sharon E. Webb

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DATE: February 11, 2021

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