



COMMONWEALTH OF PENNSYLVANIA

April 15, 2021

E-FILED

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

**Re: Pennsylvania Public Utility Commission v. Community Utilities of Pennsylvania Inc.—
Wastewater Divisions 2021 Base Rate Filing / Docket No. R-2021-3025207**

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/ Erin K. Fure

Erin K. Fure
Assistant Small Business Advocate
Attorney ID No. 312245

Enclosures

cc: Brian Kalcic
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	
v.	:	Docket No. R-2021-3025207
	:	
Community Utilities of Pennsylvania Inc.— Wastewater Divisions	:	

**COMPLAINT OF THE
SMALL BUSINESS ADVOCATE**

1. The Complainant is:

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

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

Erin K. Fure
Assistant Small Business Advocate
Office of Small Business Advocate
555 Walnut Street
Forum Place, 1st Floor
Harrisburg, PA 17101
(717) 783-2525

3. The respondent utility is:

Community Utilities of Pennsylvania Inc. Wastewater Divisions
500 West Monroe Street, Suite 3600
Chicago, IL 60661

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. 7 to Tariff Wastewater – Pa. P.U.C. No. 1 (“Supplement No. 7”), which was filed with the Commission on April 12, 2021, by Community Utilities of Pennsylvania Inc Wastewater Division (“CUPA” or the “Company”). The rates set forth in Supplement No. 7, if approved by the Commission, would increase CUPA’s annual revenues by approximately \$757,511.

6. After preliminary review of the materials filed by the Company in support of the proposed Tariff, 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 CUPA’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 CUPA.

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. 7;
- B. At the conclusion of such investigation, reject the proposed new rates and other tariff changes in Supplement No. 7 to the extent required to make certain that CUPA'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/ Erin K. Fure

Erin K. Fure
Assistant Small Business Advocate
Attorney ID No. 312245

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

Dated: April 15, 2021

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	
v.	:	Docket Nos. R-2021-3025207
	:	
Community Utilities of Pennsylvania Inc- --Wastewater Divisions	:	

**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 Community Utilities of Pennsylvania Inc—Wastewater Divisions (“CUPA” or the “Company”), which would increase CUPA’s wastewater division revenues in the annual amount of approximately \$757, 511.

The Small Business Advocate files this formal complaint against the Company’s proposed base rate tariff filing 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 filing is necessary to ensure that the tariff filing is lawful, just, reasonable, and not discriminatory to CUPA’s small business customers.

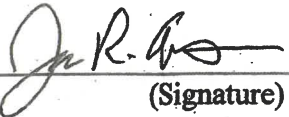
In view of the foregoing, the Small Business Advocate will participate in proceedings before the Public Utility Commission to investigate the reasonableness of the proposed base rate tariff filing. The Small Business Advocate will ask the Commission to deny any proposed new rates and other tariff changes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

Dated: April 15, 2021

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: 04/15/2021



(Signature)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :
 :
 v. : **Docket No. R-2021-3025207**
 :
Community Utilities of Pennsylvania Inc.— :
Wastewater Divisions :

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

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)

Richard Kanaskie, Esquire
Bureau of Investigation & Enforcement
400 North Street
Commonwealth Keystone Building
Harrisburg, PA 17120
rkanaskie@pa.gov
(Counsel for BIE)

Thomas J. Sniscak, Esq.
Whitney E. Snyder, Esq.
Bryce R. Beard, Esq.
Hawke, McKeon & Sniscak LLP
100 North Tenth Street
Harrisburg, PA 17101
tjsniscak@hmslegal.com
wesnyder@hmslegal.com
brbeard@hmslegal.com

/s/ Erin K. Fure

Erin K. Fure
Assistant Small Business Advocate
Attorney ID No. 312245

DATE: April 15, 2021