



COMMONWEALTH OF PENNSYLVANIA

May 12, 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.-
Water Divisions 2021 Base Rate Filing / Docket Nos. R-2021-3025206**

Dear Secretary Chiavetta:

Enclosed please find the Prehearing Memorandum, 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: Mr. Brian Kalcic
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	
v.	:	R-2021-3025206
	:	R-2021-3025207
Community Utilities of PA, Inc.	:	
Water/Wastewater	:	
	:	
Office of the Small Business Advocate	:	
	:	
v.	:	C-2021-3025263
	:	
Community Utilities of PA, Inc.	:	
	:	
Office of the Consumer Advocate	:	
	:	
v.	:	C-2021-3025777
	:	
Community Utilities of PA, 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 Erin K. Fure.

Please address all correspondence as follows:

Erin K. Fure
Assistant Small Business Advocate
Office of Small Business Advocate
555 Walnut Street, 1st Floor
Harrisburg, Pennsylvania 17101
(717) 783-2525
(717) 783-2831 (fax)
efure@pa.gov

II. FILING BACKGROUND

On April 12, 2021, Community Utilities of Pennsylvania Inc. (“CUPA” or the “Company”) Water Divisions filed Supplement No. 9 to Tariff Water—Pa. PUC No. 1 (“Supplement No. 9”). CUPA’s proposed Supplement No. 9 seeks approval for rates designed to produce an annual revenue increase of approximately \$757,517 for all customers in the service territories formerly known as Penn Estates Utilities, Inc., Pennsylvania Utility Co., and Utilities, Inc.--Westgate. Also on April 12, 2021, CUPA Wastewater Divisions filed Supplement No. 7 to Tariff Wastewater—Pa. PUC No. 1 (“Supplement No. 7”). CUPA’s proposed Supplement No. 7 seeks approval for rates designed to produce an annual revenue increase of approximately \$998,705 for all customers in the service territories formerly known as Penn Estates Utilities, Inc., Pennsylvania Utility Co., and Utilities Inc., of Pennsylvania.

On April 14, 2021, CUPA filed an Errata on both dockets correcting portions of the original filings made April 12, 2021.

The OSBA filed a Notice of Appearance and Complaint at both dockets on April 15, 2021. The OSBA’s Complaint concerning Supplement No. 9 was docketed at C-2021-3025263. The OSBA’s Complaint concerning Supplement No. 7 was docketed at C-2021-3025260.

On April 26, 2021, the Commission's Bureau of Investigation and Enforcement ("I&E") filed a Notice of Appearance at both dockets.

By Order entered May 6, 2021, the proposed Supplement No. 9 and proposed Supplement No. 7 were suspended by operation of law until January 12, 2022. The Commission ordered an investigation into the lawfulness, justness, and reasonableness of the rates, rules, and regulations contained in the proposed Supplement No.9 and proposed Supplement No. 7.

The Office of Consumer Advocate ("OCA") filed Notices of Appearance and Complaints on May 7, 2021 at both dockets.

On May 7, 2021, Notice was issued at both dockets that a telephonic pre-hearing conference was scheduled for May 13, 2021 at 10:00 a.m. before Administrative Law Judge ("ALJ") Dennis J. Buckley. ALJ Buckley issued a Prehearing Conference Order at both dockets on May 10, 2021.

III. IDENTIFICATION OF WITNESSES AND TENTATIVE ISSUES

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

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

After an initial review of the materials submitted by the Company, the OSBA has identified the following issues:

1. Whether the Company's proposed class revenue allocation for water service is reasonable and appropriate;

2. Whether the Company's proposed rate design for Metered Commercial Service customers is appropriate;
3. Whether CUPA's proposed class revenue allocation for wastewater service is reasonable and appropriate; and
4. Whether CUPA's proposed rate design for wastewater service is appropriate.

The OSBA will participate in the case to assure that the interests of small business customers of the Company are adequately represented and protected.

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 water and wastewater 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

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. The OSBA requests that electronic copies be provided to its witness identified above. The OSBA also

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

requests that all parties serve an electronic copy of all interrogatory responses upon the OSBA and the OSBA witnesses identified above.

V. DISCOVERY

The OSBA does not propose any discovery modifications in this proceeding, but will work with the parties to develop any mutually agreeable discovery modifications.

VI. SETTLEMENT

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

VII. HEARING AND BRIEFING SCHEDULE

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

Respectfully submitted,

/s/ Erin K. Fure

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

Commonwealth of Pennsylvania
Office of Small Business Advocate
555 Walnut Street, 1st Floor
Harrisburg, PA 17101

Dated: May 12, 2021

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	
v.	:	R-2021-3025206
	:	
Community Utilities of PA, Inc.- Water Division	:	
	:	

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 Dennis J. Buckley
Administrative Law Judge
Pennsylvania Public Utility Commission
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Commonwealth Keystone Building
Harrisburg, PA 17120
debuckley@pa.gov

Allison C. Kaster, Esquire
Bureau of Investigation & Enforcement
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(*Counsel for BIE*)

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/s/ Erin K. Fure

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

DATE: May 12, 2021