



COMMONWEALTH OF PENNSYLVANIA

June 21, 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 Pursuant to Sections 507, 1102(a) and 1329 of the Public Utility Code for Approval of its Acquisition of the Wastewater Collection and Conveyance System of Valley Township Docket No.: A-2020-3020178 / 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 Valley Township Water Treatment and Distribution System / Docket No. A-2020-3019859

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 proceedings.

Copies will be served on all known parties in these proceedings, 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: Parties of Record
Brian Kalcic

Representing the OSBA in this matter is Assistant Small Business Advocate Erin K. Fure.

Please address all correspondence as follows:

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II. FILING BACKGROUND

On October 9, 2020, Pennsylvania-American Water Company (“PAWC” or the “Company”) filed an Application for approval of the transfer, by sale, of substantially all of Valley Township’s (“Valley”) assets, properties and rights related to its water treatment and distribution system to PAWC (“*Water Application*”). Also on October 9, 2020, PAWC filed an Application for approval of the transfer, by sale, of substantially all of Valley’s asset, properties and rights related to its wastewater collection and conveyance system (“*Wastewater Application*”). The *Water Application* was docketed to No. A-2020-3019859. The *Wastewater Application* was docketed to No. A-2020-3020178.

The Commission’s Bureau of Investigation and Enforcement (“I&E”) filed its Notice of Appearance at both dockets on November 5, 2020.

On November 5, 2020, PAWC filed responses to the Bureau of Technical Utility Services’ (“TUS”) Application Completeness Review of the *Wastewater Application*.

On November 6, 2020, PAWC filed amended responses to TUS’s Application Completeness Review of the *Wastewater Application*.

On November 10, 2020, PAWC filed responses to TUS’s Application Completeness

Review of the *Water Application*.

On November 23, 2020, PAWC filed additional responses to TUS's Application Completeness Review of the *Water Application*.

On December 1, 2020, PAWC filed amendments to the *Water Application*.

On December 23, 2020, the Office of Consumer Advocate ("OCA") filed a Notice of Appearance, Protest and Public Statement at both dockets.

On January 5, 2021, the OSBA filed a Notice of Appearance, Notice of Intervention, and Public Statement at both dockets.

On January 11, 2021, a Secretarial Letter was issued which extended the initial review period of the *Wastewater Application*.

On February 8, 2021, PAWC filed additional responses to TUS's Application Completeness Review of the *Wastewater Application*.

On March 5, 2021, PAWC filed an update to its responses to TUS's Application Completeness Review of the *Wastewater Application*.

On March 15, 2021, PAWC filed another update to its responses to TUS's Application Completeness Review of the *Wastewater Application*.

By Secretarial Letter dated March 19, 2021, the *Water Application* and the *Wastewater Application* were conditionally accepted by the Commission.

On March 22, 2021, PAWC filed letters at both dockets requesting a Secretarial Letter to be issued setting a deadline for protests or petitions to intervene.

On March 25, 2021, a Secretarial Letter was issued at each docket in response to PAWC's letters and June 21, 2021 was set as the deadline for protests or petitions to intervene for both dockets.

On April 5, 2021, PAWC filed letters at both dockets containing a copy of the customer notice that PAWC intended to distribute regarding the Applications.

On April 9, 2021, PAWC filed letters at both dockets to request that Appendix A-24-a to the Applications no longer be designated as confidential.

On May 11, 2021, PAWC filed letters at both dockets certifying compliance with service and notification requirements, and requesting that the Commission accept the Applications and publish notice in the Pennsylvania Bulletin.

On May 18, 2021, the Commission issued a Secretarial Letter at each docket accepting PAWC's *Water Application* and *Wastewater Application* for filing.

On May 18, 2021, a Notice was issued at both dockets a telephonic Pre-Hearing Conference for June 23, 2021 before Administrative Law Judge ("ALJ") Conrad A. Johnson and ALJ Emily DeVoe. ALJ Johnson and ALJ DeVoe issued a Prehearing Conference Order on May 18, 2021.

On May 19, 2021, PAWC filed a Motion to Consolidate the proceedings at Docket Nos. A-2020-3019859 and A-2020-3020178

Valley Township filed a Petition to Intervene at both dockets on May 21, 2021.

III. IDENTIFICATION OF WITNESSES AND TENTATIVE ISSUES

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

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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 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 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.

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

VI. SETTLEMENT

The OSBA has engaged in settlement discussions with the other parties during this proceeding. Through these discussions, a settlement in principle was reached among the current active parties in this proceeding. The OSBA is willing to continue to engage in further settlement discussions at the appropriate time, as necessary.

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
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Attorney ID No. 312245

Office of Small Business Advocate
555 Walnut Street, 1st Floor
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Dated: June 21, 2021

The Honorable Conrad Johnson
The Honorable Emily DeVoe
Administrative Law Judge
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/s/ Erin K. Fure

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DATE: June 21, 2021