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August 27, 2021

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

VIA ELECTRONIC FILING

RE: Pennsylvania Public Utility Commission, et al. v. The Borough of Hanover, et al.;
Docket No. R-2021-3026116; C-2021-3027274; C-2021-3027361; C-2021-3027807

Dear Secretary Chiavetta:

Attached for filing with the Pennsylvania Public Utility Commission is the Prehearing Memorandum of the Hanover Foods Corporation. As shown by the attached Certificate of Service, all parties to these proceedings are being duly served via email. Hard copies can be provided upon request.

Sincerely,

McNEES WALLACE & NURICK LLC

A handwritten signature in black ink that reads 'Charis Mincavage' in a cursive script.

By

Charis Mincavage

Counsel to Hanover Foods Corporation

c: Administrative Law Judge F. Joseph Brady (via e-mail)
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing document upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant).

VIA E-MAIL

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Charis Mincavage

Counsel to Hanover Foods Corporation

Dated this 27th day of August, 2021, at Harrisburg, Pennsylvania

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	R-2021-3026116
Office of Consumer Advocate	:	C-2021-3027274
Office of Small Business Advocate	:	C-2021-3027361
Hanover Foods Corporation	:	C-2021-3027807
	:	
v.	:	
	:	
The Borough of Hanover -	:	
Municipal Water Works	:	

**PREHEARING MEMORANDUM
OF THE HANOVER FOODS CORPORATION**

As requested by Administrative Law Judge ("ALJ") Joseph Brady in the Prehearing Conference Order dated August 17, 2021, the Hanover Foods Corporation ("Hanover Foods") hereby submits this Prehearing Memorandum.

I. HISTORY OF THE PROCEEDING

On June 29, 2021, the Borough of Hanover ("Borough") filed with the Pennsylvania Public Utility Commission ("PUC" or "Commission") Supplement No. 32 to Tariff Water – Pa. P.U.C. No. 3 ("Tariff No. 3"), proposed to become effective on August 28, 2021. Through the filing, the Borough requested an annual increase of \$1,563,100 million in water service revenue for its Outside Borough Water Service.

On August 5, 2021, the Commission suspended the Borough's proposed filing by operation of law until March 28, 2022 and instituted an investigation into the Company's proposed Tariff No. 3.

On August 9, 2021, Hanover Foods filed a formal Complaint in this proceeding. A description of Hanover Foods is set forth in Paragraph 5 of its Complaint.

A Prehearing Conference has been scheduled in this proceeding for August 31, 2021.

II. LEAD ATTORNEY

For purposes of the upcoming prehearing conference, the lead attorney will be:

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III. ANTICIPATED ISSUES AND SUB-ISSUES

Hanover Foods' preliminary review of the Borough's filing indicates a need for Commission investigation into at least the following issues:

- (a) Whether the size of the requested rate increase is appropriate;
- (b) Whether the allocation of the proposed rate increase among the customer classes is just, reasonable, and non-discriminatory in light of the cost of service study results;
- (c) Whether the Borough's claimed cost of service study is accurate, legitimate, and appropriate; and
- (d) Whether the proposed rate increase affecting Hanover Foods is just, reasonable, and non-discriminatory.

Hanover Foods anticipates pursuing these issues during this proceeding and reserves the right to raise further issues and to respond to all issues raised by other parties.

IV. PROPOSED WITNESS

Hanover Foods is in the process of evaluating whether it will sponsor testimony in this proceeding. In the event that Hanover Foods decides to sponsor testimony, it will immediately inform the parties and the ALJ of any intended witnesses and topics of testimony. Hanover Foods also intends to participate in this proceeding through the submission of discovery, cross-

examination of other parties' witnesses, and the submission of briefs, exceptions and reply exceptions, if necessary.

V. PROPOSED SCHEDULE AND DISCOVERY RULES

Hanover Foods will cooperate with the ALJ and the parties at the Prehearing Conference to finalize an appropriate procedural schedule and discovery rules in accordance with the Commission's regulations and any directives issued by the ALJ.

VI. POSSIBILITY OF SETTLEMENT

Hanover Foods is willing to participate in discussions with the other parties to amicably resolve the issues in this proceeding.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By 

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Dated: August 27, 2021