



October 14, 2021

Via E-FILE

Administrative Law Judge Mary D. Long
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
malong@pa.gov

**Re: Pa. PUC v. Aqua Pa., Inc., and Aqua Pa. Wastewater, Inc.,
R-2021-3027385, R-2021-3027386**

Prehearing Conference Memorandum of CAUSE-PA

Dear Judge Long:

Please find the **Prehearing Conference Memorandum of CAUSE-PA** in the above-captioned proceeding.

Pursuant to the Commission's Emergency Order issued on March 20, 2020, and as indicated on the attached Certificate of Service, service on the parties was accomplished by email only.

Respectfully,

John W. Sweet, Esq.
Counsel for CAUSE-PA

CC: *Certificate of Service*
ALJ Mary D. Long

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission

v.

Aqua Pennsylvania, Inc., and
Aqua Pennsylvania Wastewater, Inc.

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Docket Nos. R-2021-3027385
R-2021-3027386

**PREHEARING CONFERENCE MEMORANDUM
OF THE COALITION FOR AFFORDABLE UTILITY SERVICE AND ENERGY
EFFICIENCY IN PENNSYLVANIA (CAUSE-PA)**

PENNSYLVANIA UTILITY LAW PROJECT

Counsel for CAUSE-PA

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October 14, 2021

On October 8th, 2021, a Prehearing Conference Order was issued by Administrative Law Judge Mary D. Long setting a telephonic prehearing conference for Friday, October 15th at 10:00am, and requiring parties to file a Prehearing Memorandum no later than 12:00pm on Thursday, October 14th, 2021. In accordance with that Order, CAUSE-PA, through its counsel at the Pennsylvania Utility Law Project, hereby files this Prehearing Conference Memorandum.

I. Background

On August 20, 2021, Aqua Pennsylvania, Inc. and Aqua Pennsylvania Wastewater, Inc. (collectively “Aqua”) filed respectively, Original Tariff Water – PA P.U.C. No. 3 (“Tariff Water No. 3”) and Original Tariff Sewer – PA P.U.C. No. 3 (“Tariff Sewer No. 3”) to become effective on October 19, 2021. In the filings, Aqua sets forth proposed tariffs, which outline the rates, policies, programs, and procedures which will govern the distribution of water and wastewater services to their respective customers. Aqua’s proposed tariffs seek approval to increase total annual operating revenues of \$97,684,824, or approximately 17.86% over currently projected levels. Aqua’s proposals would increase a residential water bill for a typical customer using 4,000 gallons per month from \$69.35 to \$81.32, an increase of \$11.97 a month (approximately 17.3%). The average monthly residential wastewater bill would increase from \$55.51 to \$73.95, an increase of \$18.44 per month (approximately 33.2%).

On September 20, 2021, CAUSE-PA filed a Petition to Intervene and Answer, requesting full intervenor status as an active party to the proceeding.

II. Service on CAUSE-PA

CAUSE-PA is represented by the attorneys at the Pennsylvania Utility Law Project.

CAUSE-PA requests consolidated service as follows:

Ria M. Pereira, Esq.
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CAUSE-PA consents to electronic/email service in this proceeding.

III. Representation of CAUSE-PA at Prehearing Conference

CAUSE-PA will be represented by John Sweet, Esq. at the Prehearing Conference.

IV. Issues to be Presented

Continued delivery of safe, affordable water and wastewater services is of critical importance to the safety, welfare, and economic stability of all Pennsylvanians – particularly those with limited financial means. CAUSE-PA has conducted an initial review of Aqua’s rate filing and opposes Aqua’s requests on the grounds that the proposed rate increases and tariff changes may result in unjust and unreasonable rates that would impose severe financial hardship on low and moderate income residential customers. CAUSE-PA identifies the following specific issues of concern, which it intends to address in this proceeding, though it reserves the right to raise additional issues which may arise through the course of this proceeding:

- i. Whether the terms, conditions, and rates set forth by Aqua’s tariff filing are just and reasonable. Preliminary review of Aqua’s filing suggests that the proposed rate increase would substantially increase residential customers’ monthly water

- and wastewater bills, leading to unaffordable, unjust, and unreasonable rates being charged to low income customers;
- ii. The conformity to law and the effect of Aqua's rate filing and proposed rate increase on low income households;
 - iii. The effect of Aqua's rate filing and proposed rate increase on low income households enrolled in or eligible for Aqua's low income programs, and adequacy of those programs in delivering universally accessible services;
 - iv. Whether Aqua's policies and procedures regarding consumer protections for vulnerable customers are compliant with the requirements of the Public Utility Code and the Commission's regulations; and
 - v. Whether Aqua's proposed changes to its low income programs are adequate to remediate the effect of the proposed rate increase on low income customers.

V. Witnesses and Testimony

CAUSE-PA intends to sponsor testimony of the following expert witness in this matter, and reserves the right to call additional witnesses as may be warranted upon notice to Your Honor and parties:

Harry S. Geller, Esq.
c/o Pennsylvania Legal Aid Network
118 Locust Street
Harrisburg, PA 17101
hgeller@pautilitylawproject.org

Mr. Geller will address the issues identified above, as well as any other relevant issues that may arise through the course of this proceeding.

VI. Discovery

CAUSE-PA supports the discovery modifications proposed by the Office of Consumer Advocate in its prehearing memorandum. Specifically, CAUSE-PA supports the following discovery modifications:

- i. Answers to written interrogatories will be served in-hand within ten (10) calendar days of service of the interrogatories. Discovery propounded after 12:00 noon on a Friday or the day before a holiday will be deemed served on the next business day for purposes of determining the due date of the responses.
- ii. Objections to interrogatories will be communicated orally to the propounding party within three (3) days of service; unresolved objections will be served in writing to the propounding party within five (5) days of service of interrogatories.
- iii. Propounding parties will file Motions to dismiss objections and/or direct the answering of interrogatories with the ALJ within three (3) days of service of written objections.
- iv. Answers to motions to dismiss objections and/or direct the answering of interrogatories shall be filed within three (3) days of service of such motions.
- v. Rulings over such motions to be issued, if possible, within seven (7) days of filing of the motion.
- vi. Responses to requests for document production, entry for inspection, or other purposes will be served in-hand within ten (10) calendar days.
- vii. Requests for admission will be deemed admitted unless answered within ten (10) days or objected to within five (5) days of service.
- viii. Answers to on-the-record data requests will be served in-hand within seven (7) calendar days of the request.
- ix. Discovery modifications will take effect once approved by the Honorable Administrative Law Judge as of the date of the prehearing conference in this proceeding.

VII. Settlement

CAUSE-PA is willing and ready to engage in settlement discussions at any time in an attempt to resolve or narrow the issues in this proceeding, with any and all parties, and encourages the parties to set aside time early in the process for meaningful settlement discussions to commence.

VIII. Service

CAUSE-PA requests that the Commission allow parties, including pro se parties, to serve all documents required to both the Commission and other parties electronically due to the ongoing logistical complications of the COVID-19 pandemic.

IX. Litigation Schedule

CAUSE-PA is actively working the parties to arrive at a mutually agreeable schedule for litigation. CAUSE-PA requests that all hearings in this matter be held virtually or telephonically due to the ongoing logistical complications of the COVID-19 pandemic.

X. Conclusion

WHEREFORE, CAUSE-PA respectfully submits this Prehearing Conference Memorandum.

Respectfully submitted,

PENNSYLVANIA UTILITY LAW PROJECT
Counsel for CAUSE-PA



John W. Sweet, Esq.

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Date: October 14, 2021

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission :
 :
 v. : Docket Nos. R-2021-3027385
 : R-2021-3027386
 Aqua Pennsylvania, Inc., and :
 Aqua Pennsylvania Wastewater, Inc. :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served copies of the *Prehearing Memorandum of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania* (CAUSE-PA) upon the parties of record in the above captioned proceeding in accordance with the requirements of 52 Pa. Code § 1.54 and consistent with the Commission’s Emergency Order issued on March 20, 2020.

VIA EMAIL

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