

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

555 Walnut Street, 5th Floor, Forum Place
Harrisburg, Pennsylvania 17101-1923
(717) 783-5048
800-684-6560

 @pa_oca
 /pennoca

FAX (717) 783-7152
consumer@paoca.org

October 14, 2021

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

Re: Pennsylvania Public Utility Commission
v.
Aqua Pennsylvania, Inc. and
Aqua Pennsylvania Wastewater, Inc.
Docket Nos. R-2021-3027385 (Water)
C-2021-3028466 (Water)
R-2021-3027386 (Wastewater)
C-2021-3028467 (Wastewater)

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Prehearing Memorandum in the above-referenced proceedings.

Copies have been served per the attached Certificate of Service.

Respectfully submitted,

/s/ Erin L. Gannon
Erin L. Gannon
Senior Assistant Consumer Advocate
PA Attorney I.D. # 83487
E-Mail: EGannon@paoca.org

Enclosures:

cc: The Honorable Mary D. Long (**email only**)
Certificate of Service

*318585

CERTIFICATE OF SERVICE

Re: Pennsylvania Public Utility Commission :
 : Docket Nos. R-2021-3027385 (Water)
 v. : C-2021-3028466 (Water)
 : R-2021-3027386 (WW)
 Aqua Pennsylvania, Inc. and Aqua : C-2021-3028467 (WW)
 Pennsylvania Wastewater, Inc. :

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate’s Prehearing Memorandum, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 14th day of October 2021.

SERVICE BY E-MAIL ONLY

Scott B. Granger, Esquire
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120
sgranger@pa.gov

Steven C. Gray, Esquire
Office of Small Business Advocate
555 Walnut Street
1st Floor, Forum Place
Harrisburg, PA 17101-1923
sgray@pa.gov

Michael W. Hassell, Esquire
Garrett Lent, Esquire
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
MHassell@postschell.com
GLent@postschell.com

Kimberly A. Joyce, Esquire
Mary McFall Hopper, Esquire
Alexander R. Stahl, Esquire
Aqua Pennsylvania, Inc.
762 W. Lancaster Ave.
Bryn Mawr, PA 19010
KAJoyce@essential.com
MMHopper@aquaamerica.com
ASTahl@aquaamerica.com

John W. Sweet, Esquire
Ria M. Pereira, Esquire
Elizabeth R. Marx, Esquire
Lauren Berman, Esquire
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
PULP@pautilitylawproject.org

Brian Kalcic
Excel Consulting
225 S. Meramec Avenue
Suite 720 T
St. Louis, MO 63105
excel.consulting@sbcglobal.net
Consultant for OSBA

Adeolu A. Bakare, Esquire
Charis Mincavage, Esquire
McNees Wallace & Nurick LLC
100 Pine Street
P. O. Box 1166
Harrisburg, PA 17108-1166
abakare@mneeslaw.com
cmincavage@mcneeslaw.com
Counsel for Aqua Large Users Group

Martha Bronson
100 Masters Drive
Pottstown, PA 19464
Martha.bronson@aon.com

Neil Kugelman
802 Harston Lane
Erdenheim, PA 19038
neil@kugelmanteam.com

Geoffrey Rhine
251 Herringbone Lane
Bensalem, PA 19020
Rhineg@hotmail.com

Dale Markowitz
920 Stoneybrook Drive
Springfield, PA 19064
Markowd2@verizon.net

Nick Panaccio
2944 Windsor Avenue
Willow Grove, PA 19090
Nick.Panaccio@verizon.net

Vivian George
949 Bankbridge Road
Sewell, NJ 08080
themaids@bellatlantic.net

Gerald R. DiNunzio, Jr.
1517 Woodland Road
West Chester, PA 19382
Gmoney136@gmail.com

Elizabeth Yost
2203 Foxmeadow Drive
Royersford, PA 19468
Elizabethj1228@gmail.com

James A. Wharton, Jr.
436 King Arthur Road
P.O. Box 695
Blakeslee, PA 18610
crescocoyote@gmail.com

Deena Denesowicz
901 Biddle Lane
Phoenixville, PA 19460
dsgnrad@aol.com

Jennifer Buckley
44 Grandview Drive
Royersford, PA 19468
Jenbuckley35@gmail.com

Aaron Nathaniel Brown
2204 Hunsberger Drive
Limerick, PA 19468
Aaronb07@gmail.com

Darren Distasio
12 Karin Drive
Tunkhannock, PA 18657
Drrad44@gmail.com

Richard Regnier
P.O. Box 348
Newtown Square, PA 19073
raregnier@aol.com

Carl J. Martinson
102 Cypress Point
Avondale, PA 19311
cjmartinson@msn.com

Nancy Reedman
510 Trenton Road
Langhorne, PA 19047
nreedman@comcast.net

Stephanie B. Boris
25 Lakes Edge Road
Royersford, PA 19468
stephbieloski@gmail.com

Elizabeth O'Neill
810 Plumtry Drive
West Chester, PA 19382
Elk722@gmail.com

Curtis and Michele Tabor
147 Masters Drive
Pottstown, PA 19464
Currtabor61@gmail.com

Jerome D. Perch
P.O. Box 295
Blakeslee, PA 18610
Jdfish11@yahoo.com

James Blessing
88 Longcross Road
Limerick, PA 19468
jblessing@verizon.net

Keith D. Anthony
116 Sir Lyonesse Court
Box 1307
Blakeslee, PA 18610
kanthonyflstc@comcast.net

Byron Goldstein
2365 Geneva Avenue
Glenside, PA 19038
bgoldmarketing@rcn.com

Joan Lipski
68 Crow Hill Road
Box 487
Freehold, NJ 07728
ecologyinc@optonline.net

Lorraine Rocci
1112 Foxmeadow Drive
Royersford, PA 19468
llovepizza08@yahoo.com

Dorothy Shearer
416 East Turnberry Court
West Chester, PA 19382
Dorothyshearer7@gmail.com

Erik and Ilisha Smith
25 Wedge Court
Pottstown, PA 19464
Erikmsmith1970@gmail.com

Gregory J. Valerio
199 Masters Drive
Pottstown, PA 19464
Rvam71@comcast.net

Michael R. Brull
23 Grandview Drive
Royersford, PA 19468
Michael.r.brull@gmail.com

Michael McCall
2457 Williamson Court
Bensalem, PA 19020
gogreenmike@comcast.net

Carolyn Sica
12 Chestnut Street
Box 186
Lake Harmony, PA 18624
sicarolyn@yahoo.com

Timothy Nicholl
477 Braceland Drive
Downingtown, PA 19335
Tnicholl@verizon.net

David C. Ross
916 Sir Lionel Court
P.O. Box 489
Pocono Lake, PA 18347
Davidross465@gmail.com

James and Elaine Graziano
2132 Highland Avenue
Morton, PA 19070
Kateyez0405@gmail.com

Ronald and Lora Roebuck
71 Edgerock Drive
Drums, PA 18222
a257330@aol.com

Ronald and Alexis Koenig
32 Horseshoe Lane
Levittown, PA 19055
ronaldkoenig@comcast.net

Matthew Cicalese
250 Harrison Avenue
Elkins Park, PA 19027
cicalese@gmail.com

Stephen and Teresa Mason
1346 Cabin Road
Box 3470
Hatfield, PA 19440
Mason1346@verizon.net

John F. Grassie
3852 Kingston Way
Bensalem, PA 19020
John3852@comcast.net

John Day
614 Runyon Avenue
Piscataway, NJ 08854
john@johnday.us

Robert Dolan
313 King Arthur Road
P.O. Box 946
Blakeslee, PA 18610
Robertdolan1@comcast.net

Dean R. Swink
P.O. Box 323
Pocono Lake, PA 18347
Swink170@gmail.com

Kyle A. Brophy
1004 Andrews Avenue
Collingdale, PA 19023
Kyle.a.brophy@gmail.com

Anthony Giovannone
270 Norristown Road
Blue Bell, PA 19422
Anthony.giova@verizon.net

Alyssa Reinhart
174 Grouse Ridge Lane
Drums, PA 18222
liss@ptd.net

Francine Weiner
1903 2nd Street
Langhorne, PA 19047
fhwhome@gmail.com

William F. and Ana R. Loftus
102 Lady Ann Court
Box 64
Blakeslee, PA 18610
williamloftus@bellsouth.net

Adam Anders
129 Lambeth Court
Downingtown, PA 19335
Adamanders101@gmail.com

William and Charleen Falsone
5315 Presidents Drive
Bethlehem, PA 18017
cjfalsone@rcn.com

Sheila Gutzait
285 Sir Bradford Road
Box 694
Blakeslee, PA 18610
sgcy@ptd.net

Kelly Frich
400 Wynchester Way
Kennett Square, PA 19348
danjfrich@yahoo.com

Daniel Savino
P.O. Box 63
Blakeslee, PA 18610
Gerris46@yahoo.com

Lisa Rampone
621 Cherry Lane
Phoenixville, PA 19460
lrampone@hotmail.com

David Monroe
113 Merriment Lane
Box 1438
Blakeslee, PA 18610
poconocowboy@yahoo.com

Stephen Timothy Grugeon
1001 Ridgehaven Road
West Chester, PA 19382
Tim.grugeon@gmail.com

Ronald E. Schneck
6412 Senate Drive
Bath, PA 18017
Ron.schneck68@gmail.com

Deborah and James Popson
119 Buck Ridge Drive
Drums, PA 18222
popsondeb@gmail.com

Harriet Litz, Esquire
Law Offices of Mullaney & Mullaney
3881 West Skippack Pike
Skippack, PA 19474
hlitz@mullaneylaw.com
Counsel for Complainant Denesowicz

Tom Woodward
2014 Lombard Street
Philadelphia, PA 19146
tomwdwd@comcast.net

Ed Hoffman, Jr., Esquire
612 Hamilton Street
Suite 202G
Allentown, PA 18101
ED@hoffmanhoalaw.com
*Counsel for Complainant Camp Stead
Property Owners Association*

George A. Bibikos, Esquire
GA BIBIKOS LLC
5901 Jonestown Road #6330
Harrisburg, PA 17112
gbibikos@gabibikos.com
*Counsel for Masthope Mountain
Community Association*

Rudy and Brandi Hofbauer
569 Sir Jeffrey Court
P.O. Box 860
Pocono Lake, PA 18347
spytronics@gmail.com

Lynne Germscheid
1118 Pierce Road
Norristown, PA 19403
Lynne.germscheid@gmail.com

Theodore J. Voltolina, III
219 Mill Pond Drive
Exton, PA 19341
ted.voltolina@gmail.com

Michael Roberts
99 Clinton Street
Sayre, PA 18840
tiogapreservationworks@gmail.com

Edward Coccia
2998 Green Ridge Drive
Norristown, PA 19403
cocciae@verizon.net

Camp Stead Property Owners Association
P.O. Box 333
Blakeslee, PA 18610
Garcct@hotmail.com

Kenneth Roth
108 Acorn Court
P.O. Box 108
Lackawaxen, PA 18435
(no email address)

Treasure Lake Property Owners Association
Edward L. Clark, Jr., General Manager
13 Treasure Lake
DuBois, PA 15801
GM@TreasureLake.us

CJ Zwick
171 Beaver Drive
DuBois, PA 15801
CJZ@zwick-law.com
*Counsel for Treasure Lake Property
Owners Association*

East Norriton Township
2501 Stanbridge Street
East Norriton, PA 19401-1616
rhart@eastnorritontwp.org

Gerardo Giannattasio
2828 Oakley Avenue
Bensalem, PA 19020
vitto52@verizon.net

/s/ Erin L. Gannon
Erin L. Gannon
Senior Assistant Consumer Advocate
PA Attorney I.D. # 83487
E-Mail: EGannon@paoca.org

Christy M. Appleby
Assistant Consumer Advocate
PA Attorney I.D. # 85824
E-Mail: CAappleby@paoca.org

Lauren E. Guerra
Assistant Consumer Advocate
PA Attorney I.D. # 323192
E-Mail: LGuerra@paoca.org

Alex Baumler, Esquire
Kilkenny Law, LLC
519 Swede Street
Norristown, PA 19401
alex@skilkennylaw.com
Counsel for East Norriton Township

Kevin Amerman
P.O. Box 484
Blakeslee, PA 18610
kevinamerman@hotmail.com

Harrison W. Breitman
Assistant Consumer Advocate
PA Attorney I.D. # 320580
E-Mail: HBreitman@paoca.org

Counsel for:
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
Phone: (717) 783-5048
Fax: (717) 783-7152
Dated: October 14, 2021
*318586

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

PREHEARING MEMORANDUM
OF THE
OFFICE OF CONSUMER ADVOCATE

Pursuant to Section 333 of the Public Utility Code, 66 Pa. C.S. §333, and the Prehearing Conference Order of Administrative Law Judge (ALJ) Mary D. Long issued on October 8, 2021, the Office of Consumer Advocate (OCA) provides the following:

I. INTRODUCTION AND BACKGROUND

On August 20, 2021, Aqua Pennsylvania, Inc. and Aqua Pennsylvania Wastewater, Inc. (collectively, “Aqua”) filed 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) with the Pennsylvania Public Utility Commission (Commission) to become effective October 19, 2021. Through the proposed tariffs, Aqua proposes to increase water and wastewater rates to produce additional annual operating revenue of approximately \$97.68 million per year, or 17.86 percent, over the amount of annual revenues anticipated for the Fully Projected Future Test Year (FPFTY) ended March 31, 2023.

Regarding the Company’s water operations, the Company serves approximately 450,000 customers located in municipalities and territories in portions of Adams, Berks, Bradford, Bucks, Carbon, Chester, Clarion, Clearfield, Columbia, Crawford, Cumberland, Delaware, Forest,

Juniata, Lackawanna, Lawrence, Lehigh, Luzerne, Mercer, McKean, Monroe, Montgomery, Northampton, Northumberland, Pike, Schuylkill, Susquehanna, Snyder, Venango, Warren, Wayne, and Wyoming Counties.

Currently, Aqua has multiple water rate zones within its service territory. Through Tariff Water No. 3, the Company seeks to consolidate its water rate zones to approximately six distinct zones.¹ As a result, the rate effect of the proposed increase varies by territory. By way of example, a typical residential customer with a 5/8” meter in the Company’s Main Division, Aqua’s largest division, using approximately 4,000 gallons per month would experience an increase in the monthly rate from \$67.49 to 81.32, or 20.49 percent. A similar customer in the Company’s Concord Park Division would experience an increase in the monthly rate from \$45.40 to \$64.66, or 42.42 percent. See Appendix A for a further listing of water rate increases among Aqua’s water service territories.

Regarding the Company’s wastewater operations, the Company serves approximately 40,000 customers located in municipalities and territories in portions of Adams, Bucks, Carbon, Chester, Clarion, Clearfield, Delaware, Lackawanna, Luzerne, Monroe, Montgomery, Pike, Schuylkill, Venango, and Wyoming Counties.

Currently, Aqua has multiple wastewater rate zones within its service territory. Through Tariff Sewer No. 3, the Company seeks to consolidate its wastewater rate zones to approximately eleven distinct zones. As a result, the rate effect of the proposed increase varies by territory. For example, a typical residential customer in the Company’s Media Wastewater Division using approximately 3,500 gallons would experience an increase in the monthly rate from \$59.33 to

¹ The Company proposes to keep the Bunker Hill Division, the Phoenixville Division, and the Sun Valley Division separate and apart from its three proposed rate zones. See Tariff Water No. 3 at Original Pg. 10.

\$72.69, or 22.52 percent. A residential customer in the Company's Bunker Hill Wastewater Division, where usage is not metered, would experience an increase in the monthly rate from \$57.89 to \$77.49, or 33.86 percent. See Appendix A for a further listing of wastewater rate increases among Aqua's wastewater service territories.

On September 3, 2021, the Bureau of Investigation & Enforcement (I&E) filed a Notice of Appearance. The Office of Small Business Advocate (OSBA) filed a Notice of Appearance, Formal Complaint, and Public Statement on September 8, 2021. On September 13, 2021, the OCA filed a Formal Complaint, Public Statement, and Notice of Appearance. Formal Complaints were also filed by more than 60 customers.

On October 7, 2021, the Commission suspended the tariff filings for investigation and assigned the proceeding to the Office of Administrative Law Judge. This matter was further assigned to ALJ Mary D. Long. On October 8, 2021, a Prehearing Conference Order was issued convening a telephonic prehearing conference for October 15, 2021.

II. OCA ISSUES

Based upon its preliminary analysis of the Aqua filing, the OCA anticipates it will address the following topics in its testimony. The OCA also anticipates that additional issues may arise upon receipt and analysis of complete answers to OCA interrogatories. The OCA reserves the opportunity to present any new or unanticipated issues in accord with the procedural schedule set for this matter.

A. Rate of Return

1. The OCA will perform a detailed analysis of the 10.75 percent cost of common equity claimed by Aqua. The OCA will carefully examine the Company's methodologies and supporting data used to develop its final cost of common equity claim. The OCA will examine

the Company's claimed risk profile to determine if it supports the claimed cost of equity.

2. The OCA will examine whether the capital structure claimed by Aqua is representative of the period in which rates will be in effect and is otherwise appropriate for ratemaking purposes.

3. The OCA will examine the embedded cost of debt claimed by Aqua.

B. Rate Base/Measure of Values

1. The OCA will examine the reasonableness and accuracy of Aqua's projections related to its water/wastewater utility plant in service at the time relevant to this proceeding including, but not limited to, whether the Future Test Year (FTY) and FPFTY plant will be completed as claimed and whether retirements are accurately reflected.

2. The OCA will review Aqua's claims for plant additions during the FTY and FPFTY to determine if the Company has demonstrated that all such costs are prudently incurred.

3. The OCA will investigate whether the Company's adjustment to rate base for depreciation reserve is appropriate.

4. The OCA will examine the Company's projections of non-investor supplied funds, including but not limited to, customer deposits, customer advances for construction and contributions in aid of construction.

5. The OCA will examine the Company's claim for materials and supplies.

6. The OCA will examine the Company's calculation and amount of cash working capital.

7. The OCA will examine issues related to Aqua's acquisitions, including potential acquisitions that are included in its filing, and will ensure that the acquisition adjustments reflected in the filings comply with the requirements set forth in Section 1327 of the Public Utility

Code. The OCA will examine issues related to deferred capital expenses related to acquisitions and potential acquisitions.

8. The OCA intends to examine the reasonableness and accuracy of the Company's claimed valuation of its investment.

9. The OCA will examine the Company's Accumulated Deferred Income Tax (ADIT) balances and excess ADIT balances.

C. Revenues and Expenses

1. The OCA will examine whether the projected number of water and wastewater customers at the time periods relevant to this proceeding is reasonable and accurate.

2. The OCA will examine whether Aqua's estimates of the volume of water to be sold during future periods is reasonable and accurate.

3. The OCA will examine whether the Company's projection of revenues in the FTY and FPFTY are reasonable and accurate including, but not limited to, its billed days adjustments, metered water sales and the impact of conservation measures, and miscellaneous revenue adjustments.

4. The OCA will examine whether the salary and wage annualizations and increases included by the Company in the FTY and FPFTY are reasonable and accurate including, but not limited to, whether the vacancies and new positions will be filled as claimed.

5. The OCA will examine the costs associated with the accrual of retirement benefits other than pensions for the Company's employees or increased contributions to pension funds.

6. The OCA will examine the justness and reasonableness of the Company's Employee Healthcare Expense.

7. The OCA will examine the appropriateness of the Company's pro forma claim for rate case expense.

8. The OCA will examine the legality and reasonableness of the Company's purchased water expense claims, particularly as it relates to setting a baseline cost for Aqua's purchased water adjustment.

9. The OCA will examine the reasonableness of the Company's proposed purchased power expense claims.

10. The OCA will examine the miscellaneous other expense items which appear to be based upon company projections of future price levels.

11. The OCA will examine the Company's request for depreciation expenses to determine whether it is just and reasonable.

12. The OCA will examine the expense effect of billing and associated bill processing costs.

13. The OCA will examine the justness and reasonableness of the Company's request for expenses related to serving additional customers.

14. The OCA will examine the justness and reasonableness of the Company's claim for customer education costs and social media costs.

15. The OCA will examine the justness and reasonableness of the Company's proposed inflation adjustment.

16. The OCA will examine the justness and reasonableness of the Company's justification and amortization of new acquisition adjustments.

17. The OCA will examine the justness and reasonableness of the Company's claim for insurance costs.

18. The OCA will examine the justness and reasonableness of the Company's claim for affiliated interest charges.

19. The OCA will examine the justness and reasonableness of the Company's proposed expense amortizations.

20. The OCA will examine the justness and reasonableness of the Company's claim for regulatory commission costs.

21. The OCA will examine the justness and reasonableness of the Company's claims for promotional, advertising, marketing, lobbying, and political activity.

22. The OCA will examine the justness and reasonableness of the Company's claims for other operations and maintenance expenses.

23. The OCA will examine the justness and reasonableness of the Company's claims for outside services and expenses.

24. The OCA will examine the justness and reasonableness of the Company's claimed rate case normalization period.

25. The OCA will examine other issues affecting the Company's revenue requirement as they are identified through discovery.

D. Taxes

1. The OCA will examine issues related to the calculation of taxes including, but not limited to, calculation of federal and state income taxes and the amount of those taxes included as expenses for ratemaking purposes, and will examine whether Aqua is in compliance including with Act 40 of 2016 (Act 40).

2. The OCA will examine the reasonableness of the Company's proposal regarding the tax repairs deductions, and its claims for income taxes, property taxes, and general

assessments.

3. The OCA will examine Aqua's proposals with regard to proposed amortization of excess ADIT resulting from the rate change caused by the Tax Cuts and Jobs Act.

4. The OCA will examine Aqua's request for a federal income tax adjustment clause.

5. The OCA will examine the Company's level of PURTA and property tax expense.

E. Rate Structure/Cost of Service/Rate Design

1. The OCA will examine the reasonableness of Aqua's proposed distribution of the revenue increase among customer classes, ratemaking regions, and types of utility service.

2. The OCA will examine Aqua's proposal to allocate a portion of the wastewater cost of service to the combined water and wastewater customer base to ensure that it is consistent with Act 11 of 2012 and that it is reasonable and consistent with the public interest.

3. The OCA will examine whether the rate design changes proposed by Aqua are reasonable and appropriate.

4. The OCA will examine Aqua's cost of service studies, including whether the methodology is valid and whether the allocations are reasonable.

5. The OCA will examine the reasonableness and appropriateness of the Company's proposed tariff changes, including all proposed surcharges and revenue adjustment mechanisms.

F. Low-Income Programs

1. The OCA will analyze current and proposed Company operations, practices and procedures related to serving low-income customers.

2. The OCA will examine how the Company's proposed rate increase and rate structure will affect low-income and/or low-usage customers.

3. The OCA will review the Company's proposed changes to the Helping Hand program design and the design of the proposed cost recovery mechanism. [I think that this would be broad enough to encompass cost recovery if we chose to do that here.]

G. Quality of Service

1. The OCA will review Aqua's quality of service to ensure that it is providing safe, adequate, and reliable service, and water that is usable for all household purposes, and that its wastewater service is consistent with the requirements of Section 1501 of the Public Utility Code.

2. The OCA will investigate the water and wastewater quality of service and water and wastewater service complaints of Aqua customers.

3. The OCA will review the Company's program and practices for replacing lead service lines and ensure that the Company is in compliance with previous settlements.

4. The OCA will review the main extensions undertaken by the Company and proposed main extensions.

H. Customer Service

1. The OCA will review the Company's consumer protection policies and programs in order to ensure compliance with Chapter 14 of the Public Utility Code and Chapter 56 of the Commission's regulations.

2. The OCA will examine Aqua's customer service, including internal training and management oversight policies and programs.

3. The OCA will examine the Company's consumer education programs,

particularly with regard to changes in billing and collection rights and remedies, and complaint processes.

I. Other Issues

1. The OCA will examine any relevant environmental issues that arise as a result of Aqua's operations.

2. The OCA will examine the reasonableness of rates given the COVID-19 pandemic conditions.

3. The OCA will investigate changes to the Company's case and projections due to the COVID-19 pandemic.

4. The OCA will investigate to ensure that the Company is complying with all prior orders.

5. The OCA will examine other issues affecting Aqua's revenue requirements, rates, charges, and other tariff provisions as they are identified through discovery.

III. WITNESSES

The OCA intends to present the direct, rebuttal, and surrebuttal testimony, as may be necessary, of the following witnesses in this proceeding. Each witness will present testimony in written form and may also attach various exhibits, documents, and explanatory information which will assist in the presentation of the OCA's case. In order to expedite the resolution of this proceeding, the OCA requests that, in addition to emailing copies to OCA counsel, parties email copies of all interrogatory answers and testimony directly to the expert witness(es) responsible for the appropriate area of the case. The OCA also requests that CDs containing any interrogatory responses be mailed directly to the applicable consultant.

Accounting/Regulatory Policy: Ralph Smith
Larkin & Associates, PLLC
15728 Farmington Road
Livonia, MI
OCAAqua2021@paoca.org

Rate of Return/Capital Structure: David Garrett
Resolve Utility Consulting, PLLC
101 Park Avenue
Suite 1125
Oklahoma City, OK
OCAAqua2021@paoca.org

Rate Design/Cost Allocation: Glenn Watkins
Technical Associates, Inc.
1503 Santa Rosa Road
Suite 130
Richmond, VA
OCAAqua2021@paoca.org

Low-Income Programs: Roger Colton
Fisher, Sheehan, & Colton
34 Warwick Road
Suite 130
Belmont, MA
OCAAqua2021@paoca.org

Customer Service/Consumer Protection: Barbara Alexander
Barbara Alexander Consulting, LLC
83 Wedgewood Drive
Winthrop, Maine
OCAAqua2021@paoca.org

Quality of Service: Terry Fought, P.E.
780 Cardinal Drive
Harrisburg, PA 17111
OCAAqua2021@paoca.org

The OCA reserves the right to call additional witnesses, as necessary. If the OCA determines that an additional witness or witnesses will be necessary for any portion of its case, it will promptly notify all parties of record and the presiding officers.

IV. EVIDENCE

The OCA will rely on the direct, rebuttal, and surrebuttal testimony of its expert witnesses, as well as the testimony of the other parties to the proceeding and testimony taken at public input hearings. The OCA will present relevant exhibits to support its own testimony, including but not limited to, materials obtained from the Company through discovery and cross-examination.

V. PUBLIC INPUT HEARINGS

The number of protests and formal complaints indicates significant public interest in this proceeding. To date, more than 60 individuals have filed Formal Complaints. In addition, State Representatives Danielle Otten, Dianne Herrin and Kristine Howard have contacted the OCA to request public input hearings within their districts. Because of the magnitude of the proposed rate changes and the public interest in these proceedings, the OCA respectfully requests that the Commission conduct six public input hearings by telephone or video conference,² on multiple dates at varied times, in order to provide customers with an opportunity to be heard on the record. The OCA is able to use its call center staff to sign up Aqua consumers who want to testify or listen to the public input hearings. The OCA will be prepared to discuss public input hearings at the prehearing conference.

The OCA also requests that Aqua be directed to extensively advertise these public input hearings. Newspaper notices should be advertised in the general readership sections of local newspapers, not in the legal section. Other methods of informing its customers of the public input hearings, including social media and the Company's website, should be utilized as well. In addition, the OCA requests the other parties involved in the proceeding be permitted to review

² In the event that the Commission determines that in-person public input hearings should be held, the OCA will work with the parties to identify and propose preferable locations.

these public input announcements prior to their publication and distribution and have input into which publications the ads are placed.

VI. PROPOSED PROCEDURAL SCHEDULE

The OCA's proposed schedule is attached as Appendix B. The OCA will continue to work with the other Parties to develop a mutually convenient schedule.

As discussed further in Section VIII below, the OCA requests that email distribution will satisfy all in-hand service dates contained in the schedule.

VII. DISCOVERY

To date, the OCA has served nine (9) sets of interrogatories on the Company. The OCA also anticipates using informal discovery. Additionally, the OCA is proposing to modify the Commission's discovery regulations as set forth in Appendix C. The OCA believes that these amendments will assist the parties in clarifying issues and developing positions and potential resolutions more quickly. Additionally, the OCA respectfully requests that, if adopted, the proposed modifications take effect on the date of the Prehearing Conference.

VIII. SERVICE ON THE OCA

The OCA will be represented in this case by Senior Assistant Consumer Advocate Erin L. Gannon and Assistant Consumer Advocates Christy M. Appleby, Harrison W. Breitman and Lauren E. Guerra. The OCA has created a group e-mail address provided below. This is the only email address that is required for service on the OCA; it will provide the emailed materials to all members of the OCA team including the consultants listed above. All documents should be served on the OCA as follows:

Erin L. Gannon, Senior Assistant Consumer Advocate
Christy M. Appleby, Assistant Consumer Advocate
Harrison W. Breitman, Assistant Consumer Advocate
Lauren E. Guerra, Assistant Consumer Advocate
OCAAqua2021@paoca.org

Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923

Telephone: (717) 783-4529
Fax: (717) 783-7152

The OCA respectfully requests that the Presiding Officers permit electronic service without the requirement of a follow-up hard copy. Only to the extent that materials are not available electronically, the OCA requests that one hard copy be served upon Erin L. Gannon at the above mailing address.

IX. SETTLEMENT

The OCA is willing to participate in settlement discussions.

Respectfully submitted,

/s/ Erin L. Gannon

Erin L. Gannon
Senior Assistant Consumer Advocate
PA Attorney I.D. # 83487
E-Mail: EGannon@paoca.org

Christy M. Appleby
Assistant Consumer Advocate
PA Attorney I.D. # 85824
E-Mail: CApplby@paoca.org

Harrison W. Breitman
Assistant Consumer Advocate
PA Attorney I.D. # 320580
E-Mail: HBreitman@paoca.org

Lauren E. Guerra
Assistant Consumer Advocate
PA Attorney I.D. # 323192
E-Mail: LGuerra@paoca.org

Counsel For:
Christine Maloni Hoover
Interim Acting Consumer Advocate

Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923
(717) 783-5048
DATED: October 14, 2021

APPENDIX A

According to the customer notices included in the Company’s filing, if the full rate increase is approved a typical residential water customer with a 5/8” meter using 4,080 gallons per month would see the following increases in their monthly bill as provided in the following table. Please note that to the extent a service territory is not listed separately, the Main Division increase applies.

Rate Zone	Water Territory	Present Rates	Proposed Rates	Increase Amount	Increase Percentage
1	Main Division	\$67.49	\$81.32	\$13.83	20.49%
1	Beech Mountain	\$32.91	\$47.03	\$14.12	42.90%
1	Bensalem	\$67.49	\$81.32	\$13.83	20.49%
1	Bristol Township	\$39.75	\$56.70	\$16.95	42.64%
BH	Bunker Hill	\$27.20	\$38.44	\$11.24	41.32%
1	CC Gardens	\$54.65	\$81.32	\$26.67	48.80%
2	Chalfont	\$63.39	\$81.32	\$17.93	28.29%
1	Clarendon	\$67.49	\$81.32	\$13.83	20.49%
2	Concord Park	\$45.40	\$64.66	\$19.26	42.42%
3	Eagle Rock	\$67.49	\$81.32	\$13.83	20.49%
1	Honesdale	\$67.49	\$81.32	\$13.83	20.49%
1	Kratzerville	\$67.49	\$81.32	\$13.83	20.49%
3	Masthope	\$67.49	\$81.32	\$13.83	20.49%
1	Mifflin	\$52.31	\$81.32	\$29.01	55.46%
1	Mt. Jewett	\$63.39	\$81.32	\$17.93	28.29%
3	Oakland	\$67.49	\$81.32	\$13.83	20.49%
PH	Phoenixville	\$15.33	\$22.66	\$7.33	47.81%
1	Robin Hood Lakes	\$54.82	\$81.32	\$26.50	48.34%
1	Sand Springs	\$54.65	\$81.32	\$26.67	48.80%
SV	Sun Valley	\$20.40	\$38.00	\$17.60	86.27%
2	Superior	\$67.49	\$81.32	\$13.83	20.49%
2	Treasure Lake	\$41.55	\$59.22	\$17.67	42.53%

According to the customer notices included in the Company’s filing, if the full rate increase is approved a typical residential wastewater customer* would see the following increases to their monthly bill:

Rate Zone	Wastewater Territory	Present Rates	Proposed Rates	Increase Amount	Increase Percentage
2	Beech Mountain	\$82.40	\$101.03	\$18.63	22.61%
4	Brandywine	\$133.57	\$163.76	\$30.19	22.60%
1	Bridlewood	\$53.07	\$65.01	\$11.94	22.50%
1	Bunker Hill	\$57.89	\$77.49	\$19.60	33.86%
9	Cheltenham	\$37.31	\$50.40	\$13.09	35.08%
2	Deerfield Knoll	\$74.52	\$91.37	\$16.85	22.61%
1	Eagle Rock	\$53.07	\$65.01	\$11.94	22.50%
8	East Bradford	\$70.13	\$83.42	\$13.29	18.95%
10	East Norriton	\$35.91	\$55.91	\$20.00	55.69%
1	Emlenton	\$70.45	\$77.49	\$7.04	9.99%
4	Greens at Penn Oaks	\$110.83	\$135.88	\$25.05	22.60%
3	Honeycroft	\$103.00	\$125.00	\$22.00	21.36%
3	Lake Harmony	\$103.00	\$125.00	\$22.00	21.36%
2	Laurel Lakes	\$84.15	\$103.17	\$19.02	22.60%
7	Limerick	\$37.59	\$71.27	\$33.68	89.60%
2	Links at Gettysburg	\$74.52	\$91.37	\$16.85	22.61%
4	Little Washington	\$105.88	\$129.82	\$23.94	22.61%
5	Masthope	\$42.68	\$52.37	\$9.69	22.70%
1	Media	\$59.33	\$72.69	\$13.36	22.52%
3	New Daleville	\$103.00	\$125.00	\$22.00	21.36%
11	New Garden	\$89.72	\$123.27	\$33.55	37.39%
4	Newlin Green	\$168.92	\$180.74	\$11.82	7.00%
3	Peddlers View	\$109.85	\$133.31	\$23.46	21.36%
1	Penn Township	\$58.35	\$71.73	\$13.38	22.93%
1	Pinecrest	\$70.45	\$77.49	\$7.04	9.99%
4	Plumsock	\$137.53	\$168.61	\$31.08	22.60%
1	Rivercrest	\$63.78	\$69.81	\$6.03	9.45%
4	Sage Hill	\$185.40	\$141.94	-\$43.46	-23.44%
2	Stony Creek	\$71.89	\$88.15	\$16.26	22.62%
2	Thornhurst	\$70.14	\$86.00	\$15.86	22.61%
3	Tobyhanna	\$103.00	\$125.00	\$22.00	21.36%
1	Treasure Lake	\$52.69	\$69.81	\$17.12	32.49%
3	Twin Hills	\$105.94	\$128.56	\$22.62	21.35%
1	White Haven	\$63.78	\$69.81	\$6.03	9.45%
2	Willistown Woods	\$75.40	\$92.44	\$17.04	22.60%
2	Woodloch Springs	\$64.89	\$79.56	\$14.67	22.61%

* The amounts listed in the customer notices use different sets of assumptions. For example, Brandywine is calculated based on 5,800 gallons of monthly usage, whereas Penn Township is calculated based on 3,400 gallons of monthly usage.

APPENDIX B

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

OCA PROPOSED SCHEDULE

Public Input Hearings	Week of November 8, 2021 3 afternoon, 3 evening
Direct Testimony Of Non-Company Parties (except as noted below)	November 10, 2021
Direct Testimony Of Non-Company Parties (accounting and regulatory policy, e.g. rate base, revenues, expenses, taxes)	November 11, 2021
Supplemental Direct Testimony Of Non-Company Parties (to address Public Input Hearing Testimony)	November 19, 2021
Rebuttal Testimony	December 2, 2021
Surrebuttal Testimony	December 14, 2021
Written Rejoinder or Rejoinder Outline	December 17, 2021 by noon
Evidentiary Hearings	December 20-22, 2021
Main Briefs	January 11, 2022
Reply Briefs	January 21, 2022
End of Suspension Date	May 19, 2022

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

PROPOSED AMENDMENTS TO DISCOVERY REGULATIONS

The OCA proposes to amend the Commission’s discovery regulations in accordance with the following:

- A. 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.
- B. 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.
- C. 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.
- D. 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.
- E. Rulings over such motions to be issued, if possible, within seven (7) days of filing of the motion.
- F. Responses to requests for document production, entry for inspection, or other purposes will be served in-hand within ten (10) calendar days.
- G. Requests for admission will be deemed admitted unless answered within ten (10) days or objected to within five (5) days of service.
- H. Answers to on-the-record data requests will be served in-hand within seven (7) calendar days of the request.