



COMMONWEALTH OF PENNSYLVANIA

December 10, 2021

E-FILED

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

**Re: Pennsylvania-American Water Company-York City Sewer Authority Section 1329
Application / Docket No. A-2021-3024681**

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 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: Parties of Record
Brian Kalcic

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania-American Water Company- :
York City Sewer Authority Section 1329 :
Application : **Docket No. A-2021-3024681**
 :
 :

**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
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Office of Small Business Advocate
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II. FILING BACKGROUND

On July 1, 2021, Pennsylvania-American Water Company (“PAWC” or the “Company”) filed an Application for approval of the transfer, by sale, of substantially all of the assets, properties and rights related to the wastewater collection and treatment system owned by the York City Sewer Authority (“Authority”) and operated by the City of York (“City”) (collectively, “York”) to PAWC (“*Application*”).

On July 12, 2021, the OSBA filed a Notice of Appearance, Notice of Intervention, and Public Statement.

The Commission’s Bureau of Investigation and Enforcement (“I&E”) filed its Notice of Appearance on July 21, 2021.

On July 23, 2021, the Office of Consumer Advocate (“OCA”) filed a Notice of Appearance, Protest and Public Statement.

On July 30, 2021, the Authority filed a Petition to Intervene.

On August 6, 2021, PAWC filed Responses to the Bureau of Technical Utility Services’ (“TUS”) Application Completeness Review.

By Secretarial Letter dated August 12, 2021, the *Application* was conditionally accepted by the Commission.

On August 23, 2021, PAWC filed a letter requesting a Secretarial Letter to be issued setting a deadline for protests or petitions to intervene.

On August 30, 2021, a Secretarial Letter was issued in response to PAWC’s letter and December 13, 2021 was set as the deadline for protests or petitions to intervene.

On October 22, 2021, PAWC filed a letter containing a copy of the customer notice that PAWC intended to distribute regarding the *Application*.

On October 22, 2021, PAWC filed an Amendment to the *Application*.

On October 27, 2021, PAWC filed a letter certifying compliance with service and notification requirements, and requesting that the Commission accept the *Application* and publish notice in the Pennsylvania Bulletin.

On October 29, 2021, the Commission issued a Secretarial Letter accepting PAWC's *Application* and indicating that notice of the *Application* would be published in the November 27, 2021 edition of the *Pennsylvania Bulletin*.

On November 8, 2021, the City filed a Petition to Intervene.

On November 12, 2021, a Notice was issued that a telephonic Pre-Hearing Conference was scheduled for December 14, 2021 before Administrative Law Judge ("ALJ") Steven Haas.

ALJ Haas issued a Prehearing Conference Order on November 22, 2021.

On December 9, 2021, the York Water Company ("York Water") filed a Protest.

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

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.

VI. SETTLEMENT

The OSBA has engaged in settlement discussions with the other parties during this proceeding. The OSBA is willing to continue to engage in further settlement discussions at the appropriate time, as necessary.

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

VII. HEARING AND BRIEFING SCHEDULE

The OSBA has cooperated with the other parties to develop a procedural schedule. The OSBA is in agreement with the procedural schedule proposed by the Company in its Prehearing Memorandum.

Respectfully submitted,

/s/ Erin K. Fure

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

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

Dated: December 10, 2021

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Pennsylvania-American Water Company-
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CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served via e-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).

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DATE: December 10, 2021