

10 January 2022

**Via Electronic Mail Only**

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)  
R-2021-3027386 (Wastewater)  
C-2021-3028734  
C-2021-3028639

**RE: LETTER IN LIEU OF MAIN BRIEF**

Dear Secretary Chiavetta,

Lake Harmony homeowners Fred Weiner and I are formal complainants in this proposed rate increase and have invested much personal time as average citizens administering to our complaint. We have obliged all requirements in accordance with the Commission's rules of Practice and Procedure, as modified by Administrative Law Judge Mary D. Long during the Prehearing Conference on 15 October 2021.

We write today in response to the recommendation of the Office of Consumer Advocate and rebuttal testimony offered by Aqua PA witnesses Happenstall and Duerr.

*A Guide to Utility Ratemaking* states rate structure must be based on the hard-economic facts of life and a complete and through knowledge and understanding of all the facts and circumstances which affect rates and services. (Cawley and Norman, 2018 edition)

Through our citizen participation in this rate case, we have clearly demonstrated and documented for the evidentiary record that Aqua PA does not possess fact-based data to substantiate its proposed wastewater rates in Kidder Township / Lake Harmony. Aqua PA has not produced evidence that homeowners in Kidder Township / Lake Harmony individually consume 4,000 water gallons per month (Day Exhibits #1 and 2). As a result of our discovery, we are left to conclude the Commonwealth's tradition for determining unmetered wastewater rates is built upon a specious assumption that serves only one purpose: Maximizing shareholder value for Essential Energies, Inc. In so doing, unmetered wastewater rates do not balance the needs of the utility with the consumer and perpetuate rates that are unjust for consumers with modest or nominal demand for wastewater service.

Fred and I believe the most effective and equitable way to redress our complaint, and the complaints of others who testified at the public input hearings, is for Aqua PA to install water meters for wastewater

customers in Kidder Township / Lake Harmony as an outcome of this rate case. This would enable homeowner billing based on metered wastewater rates, the convention used throughout the Commonwealth. We recognize; however, a fact-based and data-driven pilot would offer insight and value to all parties and are in general agreement with the pilot recommendation proposed by expert witness Glenn Watkins of the Pennsylvania Office of Consumer Advocate.

#### Watkins / OCA Recommendation

We are in agreement with the general direction, and offer a few observations / suggestions:

- As per customers with well water, the meter does not need to be restricted to placement in a well; the meter could alternatively be placed inside the house where the pipe from the well enters.
- Wireless technologies might assist with the meter's reading.
- The representative sample of customers should include a cross-section of customers who are served by the local water cooperative.
- Kidder Township officials might be able to assist with the proposed pilot, as they are most knowledgeable of the local market and may be able to provision data or methods that can assist with identifying a representative sample for the pilot's participants.

#### Rebuttal Testimony of Aqua's Witnesses (Aqua statements Nos. 5-R and 9-R)

We do not believe the rebuttal testimony of Aqua witnesses Happenstall and Duerr meets the burden of proof to deny a pilot for metered wastewater rates in Kidder Township / Lake Harmony.

Witnesses Happenstall and Duerr offered no evidence to corroborate homeowners in Kidder Township / Lake Harmony individually consume 4,000 gallons of water per month.

As per the costs of infrastructure regardless of usage, other public utilities in the Commonwealth regulated by the PUC have such costs 24 hours per day. Utilities for electric, gas, cable, and internet have infrastructure costs and obligations around the clock, yet still offer rates based on usage. We're confident the OCA can furnish specific examples, if necessary.

As per the issue of obtaining access to private property to install meters, this activity can be achieved through an industry practice known as scheduling an appointment with a homeowner. The practice of an appointment is commonly used by other utilities governed by the Pennsylvania PUC when the utility needs the homeowner to be on premise to perform work around or within the property. We're confident the OCA can furnish examples of this common practice, if necessary.

We confirm Aqua Counsel did have a phone discussion 23 August with John Day related to his 2021 complaint. During that phone conversation, the Counsel averred his complaint was an issue of rate design and recommended that the complaint be converted into a pre-trial hearing for this base rate case. E-mail correspondence to Commission ALJ Judge Joel Cheskis verifying the Counsel's recommendation can be furnished if necessary.

Service Attestation

By copy of this letter, a copy of this Letter has been served upon all parties and filed with Secretary Chiavetta of the Pennsylvania Public Utility Commission as required by 52 Pa. Code §5.502(a). A certificate of service showing service of this Letter on all parties is attached.

Sincerely,

/s/ John Day, Fred Weiner  
Homeowners, Lake Harmony, PA

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cc: ALJ Long

## CERTIFICATE OF SERVICE

Re: Pennsylvania Public Utility Commission  vs.  Aqua Pennsylvania, Inc. and Aqua Pennsylvania Wastewater, Inc.	Docket Nos. R-2021-3027385 (Water) : R-2021-3027386 (WW) C-2021-3028734 C-2021-3028639
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### RE: Letter in Lieu of Brief - Lake Harmony Homeowners, Day & Weiner

We hereby certify that I have this day served a true copy of the document - Letter in Lieu of Brief - 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:

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Dated this 10<sup>th</sup> day of January 2022

Respectfully Submitted  
/s/ John Day, Fred Weiner  
Homeowners, Lake Harmony, PA