



June 24, 2022

**VIA E-File**

Hon. Joel H. Cheskis  
Deputy Chief Administrative Law Judge  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
[jcheskis@pa.gov](mailto:jcheskis@pa.gov)

**Re: Pennsylvania Public Utility Commission v. Pennsylvania-American Water  
Company  
Docket Nos. R-2022-3031672 (water); R-2022-3031673 (wastewater)**

***Prehearing Memorandum of CAUSE-PA***

Dear Judge Cheskis:

Please find the attached **Prehearing Memorandum of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA)** in the above referenced proceeding.

As indicated on the attached Certificate of Service, service on the parties was accomplished by email only.

Respectfully Submitted,

Elizabeth R. Marx, Esq.  
*Counsel for CAUSE-PA*

CC: Certificate of Service

Secretary Rosemary Chiavetta, *via efile*

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :  
 :  
 v. : Docket Nos. R-2022-3031672  
 : R-2022-3031673  
 Pennsylvania-American Water Company :

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**PREHEARING MEMORANDUM  
OF THE COALITION FOR AFFORDABLE UTILITY SERVICES  
AND ENERGY EFFICIENCY IN PENNSYLVANIA**

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**PENNSYLVANIA UTILITY LAW PROJECT**

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**June 24, 2022**

## **I. INTRODUCTION**

On June 17, 2022, a Prehearing Conference Order was issued by Deputy Chief Administrative Law Judge (DCALJ) Joel H. Cheskis, setting a telephonic prehearing conference for Monday, June 27, 2022 at 11:00 am and requiring parties to file a Prehearing Conference Memorandum no later than Friday, June 24, 2022. In response, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA), through its counsel at the Pennsylvania Utility Law Project, hereby files this Prehearing Conference Memorandum.

## **II. HISTORY OF PROCEEDING**

On April 29, 2022, Pennsylvania-American Water Company (PAWC or the Company) submitted a rate filing, Supplement No. 35 to Tariff Water-PA P.U.C. No. 5 and Supplement No. 34 to Tariff Wastewater-PA P.U.C. No. 16, which proposes to increase rates by approximately \$173.2 million, or approximately 20.8%, based on a fully projected future test year ending in December 31, 2023. (Volume I, Statement of Specific Reasons). According to the Company, if the entire rate request is approved as filed, the total bill for a residential water customer who uses approximately 3,212 gallons per month would increase from \$60.49 to \$75.49 per month, or by 24.8%, while the total bill for a residential wastewater customer using approximately 3,212 gallons per month would increase from \$76.64 to \$95.69 per month, or by 24.9%. (Volume I, Notice of Proposed Water and Wastewater Rate Changes).

On May 11, 2022, CAUSE-PA filed a Petition to Intervene and Answer in the above captioned matters. In its Petition to Intervene and Answer, CAUSE-PA requested that it be granted full party status as an active party in the above-captioned matters and identified a number of issues present in PAWC's filing that require further investigation and hearings. Such issues are discussed in further detail below.

On June 16, 2022, the Public Utility Commission issued a Suspension and Investigation Order, initiating an investigation into the justness and reasonableness of PAWC's existing and proposed rates and the accompanying terms and conditions of service.

On June 17, 2022, a Prehearing Conference Order was issued by DCALJ Cheskis, setting a telephonic prehearing and requiring all parties to file a Prehearing Memorandum no later than June 24, 2022.

### **III. REPRESENTATION OF CAUSE-PA AND SERVICE**

CAUSE-PA is represented in this proceeding by counsel at the Pennsylvania Utility Law Project, and requests consolidated service as follows:

Ria Pereira, Esq.  
John W. Sweet, Esq.  
Lauren N. Berman, Esq.  
Elizabeth R. Marx, Esq

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Attorney Pereira will appear on behalf of CAUSE-PA at the June 27, 2022 Prehearing Conference.

CAUSE-PA requests that the parties provide and accept electronic service of documents in this proceeding.

### **IV. ISSUES TO BE PRESENTED**

While additional issues may arise as a more comprehensive review of PAWC's filing takes place, on preliminary review of PAWC's tariff filing, CAUSE-PA has identified the following issues that require further investigation and hearing:

- a. Whether PAWC's proposed rate increase, which seeks to water rates by 24.8% and wastewater rates by 24.9%, will result in rate shock and/or will impose undue economic hardship on economically vulnerable customers.
- b. Whether PAWC's tariff and other terms and conditions of service are fully compliant with the customer service protections contained in the Public Utility Code and Commission regulations.
- c. Whether PAWC's rates for water and wastewater service are appropriately designed to ensure that all consumers are able to access safe and affordable water and wastewater services, consistent with the laws and policies of the Commonwealth.
- d. Whether PAWC's customer programs are adequately designed, appropriately funded, and effectively implemented to serve the need for rate assistance, service line repair, lead remediation, and/or other critical services necessary to maintain safe and affordable water and sanitary services to their home.

CAUSE-PA asserts that the issues identified above, along with any future issues identified by interested parties, must be thoroughly reviewed to ensure that all PAWC customers are able to access safe and affordable utility services. Without investigation of the above-stated issues, PAWC's tariff filing could result in unjust and unreasonable terms, conditions, and rates for critical water services that would impose severe hardship on the health, safety, and economic stability of residents in PAWC's service territory.

**V. EVIDENCE TO BE PRESENTED**

CAUSE-PA is in the process of reviewing PAWC's filing and responses to discovery and data requests to determine what evidence may be necessary to protect the interests of

Pennsylvania's low income consumers in this proceeding. If necessary, CAUSE-PA intends to file written direct, rebuttal, and/or surrebuttal testimony and/or accompanying exhibits at the evidentiary hearing. Such testimony would rely on PAWC's filings, testimony of PAWC's witnesses and the witnesses of other parties, exhibits, responses and answers to discovery, Commission orders and other filings from prior and/or ongoing proceedings before the Commission or other government bodies or courts, reports and/or documents submitted to the Commission, and public documents related to the issues and sub-issues raised above. CAUSE-PA reserves the right to present evidence of any issues that arise through the course of the proceeding, including but not limited to the issues identified above or by the other parties to this proceeding. Any and all evidence presented by CAUSE-PA will be directed to ensure that the rights of low income customers to access and maintain safe and affordable services to their home are adequately and appropriately protected.

## **VI. WITNESSES AND TESTIMONY**

CAUSE-PA intends to present the following witness to testify in this matter, but reserves the right to call additional or substitute witnesses as may be warranted upon proper notice to DCALJ Cheskis and the parties:

Harry Geller, Esq.  
118 Locust Street  
Harrisburg, PA 17101  
[hgeller@pautilitylawproject.org](mailto:hgeller@pautilitylawproject.org)

Mr. Geller will address the issues identified above, as well as other issues that may arise throughout this proceeding.

## **VII. LITIGATION SCHEDULE**

CAUSE-PA has been actively working with PAWC and other parties to the proceeding to identify a mutually agreeable litigation schedule in this matter. At the time of this filing, we

believe the parties have reached consensus on the following schedule – though we were unable to verify whether all parties were in agreement prior to the filing of this Prehearing Memorandum.

### **Proposed Schedule**

Prehearing Conference	June 27, 2022
Public Input Hearings*	Week of July 18, 2022
Opposing Party Direct Testimony	July 29, 2022
Rebuttal Testimony (all parties)	August 19, 2022
Surrebuttal Testimony (all parties)	September 1, 2022
Evidentiary Hearings* (including oral rejoinder)	September 8-9 and 12-14, 2022
Main Briefs due	September 29, 2022
Reply Briefs due	October 11, 2022
Public Meeting	January 12, 2023
End of Suspension Period	January 28, 2023

This schedule was developed based on instructions in the Prehearing Conference Order setting the date for Reply Briefs on October 11, 2022. CAUSE-PA respectfully requests that DCALJ Cheskis consider extending the October 11, 2022 deadline for Reply Briefs by one day – to October 12, 2022. This brief extension would help to alleviate conflict with the briefing deadline in another large proceeding, as well as constraints associated with the federal holiday on October 10, 2022. It is our understanding that the other parties do not object to this request.

CAUSE-PA notes that some parties have identified conflicts with certain of the proposed hearing dates. It is our understanding that, in agreeing to the above schedule, the parties have agreed to be flexible in the presentation of witnesses and evidence to ensure that each party has

the opportunity to present evidence in this proceeding. CAUSE-PA supports this flexibility to ensure all parties have just and equitable ability to present evidence in this proceeding.

**VIII. PUBLIC INPUT HEARINGS**

CAUSE-PA submits that a robust public input hearing process is necessary and appropriate in this proceeding to ensure that the Commission can hear directly from impacted consumers about any quality of service concerns and the effect PAWC's proposed rate increase will have on their ability to maintain service.

**IX. EVIDENTIARY HEARINGS**

CAUSE-PA respectfully requests that evidentiary hearings in this matter be held telephonically.

**X. DISCOVERY**

CAUSE-PA has been actively working with PAWC and other parties to the proceeding to identify mutually agreeable discovery modifications in this matter. At the time of this filing, we believe the parties have reached consensus on discovery modifications, though we were unable to verify whether all parties were in agreement prior to the filing of this Prehearing Memorandum. It is our understanding that PAWC will include the consensus discovery modifications in its Prehearing Memorandum.

**XI. SETTLEMENT**

CAUSE-PA is willing and ready to engage in settlement discussions to resolve or narrow the issues in this proceeding, and encourages the parties to discuss settlement early in the process.

**XII. CONCLUSION**

CAUSE-PA respectfully submits this Prehearing Conference Memorandum and requests that it be entered into the record of this proceeding.



Respectfully submitted,

**PENNSYLVANIA UTILITY LAW PROJECT**  
*Counsel for CAUSE-PA*



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Date: June 24, 2022

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:		
	:		
v.	:	Docket Nos.	R-2022-3031672
	:		R-2022-3031673
Pennsylvania-American Water Company	:		

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**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** upon the parties of record in the above captioned proceeding in accordance with the requirements of 52 Pa. Code § 1.54.

**VIA EMAIL**

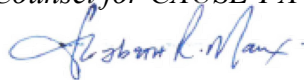
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