



COMMONWEALTH OF PENNSYLVANIA

July 20, 2022

E-FILED

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

Re: Pennsylvania Public Utility Commission v. The York Water Company (Water & Wastewater) / Docket Nos. R-2022-3031340, R-2022-3032806

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 proceedings.

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/ Steven C. Gray

Steven C. Gray
Senior Supervising
Assistant Small Business Advocate
Attorney I.D. No. 77538

Enclosures

cc: Parties of Record
Brian Kalcic

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :
:
:
v. : **Docket No. R-2022-3031340**
:
The York Water Company :

Pennsylvania Public Utility Commission :
:
:
v. : **Docket No. R-2022-3032806**
:
The York Water Company (Wastewater) :

**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 Steven C. Gray. Please address all correspondence as follows:

Steven C. Gray, Esquire
Senior Supervising
Assistant Small Business Advocate
Office of Small Business Advocate
300 North Second Street, Suite 202
Harrisburg, Pennsylvania 17101
(717) 783-2525
(717) 783-2831 (fax)
sgray@pa.gov

II. FILING BACKGROUND

On May 27, 2022, The York Water Company (“York Water” or the “Company”) filed Supplement No. 143 to Tariff Water-Pa. P.U.C. No. 14 (“Supplement No. 143”) and Supplement No. 14 to Tariff Wastewater-Pa. P.U.C. No. 1 (“Supplemental No. 14”) with the Commission. Supplement No. 143, if approved by the Commission, would provide the Company with a general rate increase in water rates by \$18,853,738 per year. Supplement No. 14, if approved by the Commission, would provide the Company with a general rate increase for wastewater service by \$1,456,792 per year.

On June 10, 2022, the OSBA filed a Complaint against Supplement Nos. 143 and 14.

III. IDENTIFICATION OF WITNESSES AND TENTATIVE ISSUES

Assisting in the development and presentation of the OSBA’s case in this proceeding will be:

Mr. Brian Kalcic
Excel Consulting
7330 Dorset Avenue
St. Louis, MO 63130
excel.consulting@sbcglobal.net

After an initial review of the materials submitted by the Company, the OSBA has identified the following issues:

1. Whether the methodology used in York's water cost-of-service study ("WCOSS") is appropriate;
2. Whether the Company's Bulk water service customers should be treated as a separate class in the Company's WCOSS;
3. Whether the Company's proposed class revenue allocation for water service customers is cost-based;
4. Whether the Company's proposal to recover \$2.7 million of its claimed wastewater revenue requirement from water service customers is appropriate;
5. Whether York's proposed methodology for allocating \$2.7 million of its claimed wastewater revenue requirement to its water service classes is cost based;
6. Whether the methodology used in the Company's wastewater cost-of-service study ("WWCOSS") is appropriate;
7. Whether the Company's proposed class revenue allocation for wastewater service customers is cost based; and
8. Whether York's proposed wastewater increases to individual rate areas are reasonable and appropriate.

The OSBA reserves the right to pursue additional issues as they arise throughout the proceeding.

The OSBA will participate in this case to assure that the interests of small business customers of the Company are adequately represented and protected.

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 date^a as satisfying the in-hand requirement. At the time of this writing, hard copy delivery of documents to the OSBA is not possible. The OSBA requests that email delivery of documents also be provided to its witnesses identified above.

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

In addition to email copies of pleadings, briefs, and exceptions, the OSBA requests email copies of responses to discovery propounded by the OSBA or any other party.

V. SETTLEMENT

The OSBA notes its willingness to enter into settlement discussions at the appropriate phase of this proceeding.

VI. HEARING AND BRIEFING SCHEDULE

At the time of this writing, the parties are working to develop a proposed procedural schedule.

Considering the ongoing COVID-19 Pandemic, the OSBA respectfully requests that any evidentiary hearings take place telephonically.

Respectfully submitted,

/s/ Steven C. Gray

Steven C. Gray
Attorney ID No. 77538
Assistant Small Business Advocate

For:
NazAarah Sabree
Small Business Advocate

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

Dated: July 20, 2022

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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| Pennsylvania Public Utility Commission | : | |
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| v. | : | Docket No. R-2022-3031340 |
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| The York Water Company | : | |
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| Pennsylvania Public Utility Commission | : | |
| | : | |
| | : | |
| v. | : | Docket No. R-2022-3032806 |
| | : | |
| The York Water Company (Wastewater) | : | |

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served via email (*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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(Counsel for The York Water)

The Honorable Katrina L. Dunderdale
Administrative Law Judge
Pennsylvania Public Utility Commission
Piatt Place
301 5th Avenue, Suite 220
Pittsburgh, PA 15222
kdunderdal@pa.gov

DATE: July 20, 2022

/s/ Steven C. Gray

Steven C. Gray
Senior Supervising
Assistant Small Business Advocate
Attorney ID No. 77538