



COMMONWEALTH OF PENNSYLVANIA

February 17, 2023

E-FILED

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

**Re: Pennsylvania Public Utility Commission v. Aqua Pennsylvania Wastewater, Inc.
(Supplement No. 3 to Tariff Sewer-PA PUC No. 3) / Docket No. R-2022-3037141**

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/ Steven C. Gray

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

Enclosures

cc: Brian Kalcic
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :
 : **Docket No. R-2022-3037141**
 v. :
 :
Aqua Pennsylvania Wastewater, Inc :

**PREHEARING MEMORANDUM
OF THE OFFICE OF SMALL BUSINESS ADVOCATE**

I. INTRODUCTION

The Office of Small Business Advocate (“OSBA”) is authorized to represent the interests of small business customers 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 these proceedings. Representing the OSBA in the above-referenced matter is Assistant Small Business Advocate Steven C. Gray. Please address all correspondence in this matter as follows:

Steven C. Gray, Esq.
Senior Supervising
Assistant Small Business Advocate
Office of Small Business Advocate
555 Walnut Street
Forum Place 1st Floor
Harrisburg, PA 17101
(717) 783-2525
(717) 783-2831 (fax)
sgray@pa.gov

II. FILING BACKGROUND

On December 7, 2022, Aqua Pennsylvania Wastewater, Inc. (“Aqua” or the “Company”), filed Supplement 3 to Sewer – P.A.P.U.C. (“Supplement No. 3”) with the Commission.

Supplement No. 3 proposes to establish a contract rate for large industrial wastewater customers via a rider.

The OSBA filed a Notice of Intervention on January 20, 2023.

III. IDENTIFICATION OF WITNESS 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

The OSBA will participate in this proceeding to assure that the interests of Aqua's small business customers are adequately represented and protected.

After an initial review of the materials submitted by Aqua, the OSBA has identified the following list of issues that it will evaluate in this proceeding:

- 1) Whether Supplement No. 3 will result in unjust and unreasonable rates for Aqua's non-industrial customers.
- 2) Whether Aqua's methodology for vetting the legitimate availability of an industrial customer's wastewater alternative is sufficiently robust.
- 3) Whether Aqua's methodology for calculating the reduced rates for an industrial customer is accurate, just, and reasonable.
- 4) Whether the possibility of an industrial wastewater alternative is real or is simply a fiction for granting industrial customers preferential rates.

The OSBA reserves the right to pursue additional issues that may arise throughout this 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. 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.

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. DISCOVERY

The OSBA does not propose any discovery modifications.

VI. SETTLEMENT

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

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

VII. HEARING AND BRIEFING SCHEDULE

At the time of this writing, the parties have not yet discussed a proposed procedural schedule.

Respectfully submitted,

/s/ Steven C. Gray

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

Commonwealth of Pennsylvania
Office of Small Business Advocate
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Dated: February 17, 2023

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CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served via email (*unless otherwise noted below*) upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

The Honorable Gail Chiodo
Administrative Law Judge
Pennsylvania Public Utility Commission
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Philadelphia, PA 19107
gchiodo@pa.gov

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DATE: February 17, 2023

/s/ Steven C. Gray

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