
Nicholas A. Stobbe

nstobbe@postschell.com
717-612-6033 Direct
717-731-1985 Direct Fax

February 20, 2023

VIA E-MAIL

Rosemary Chiavetta
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

**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:

Attached for filing is the Prehearing Conference Memorandum of Aqua Pennsylvania Wastewater, Inc., in the above-referenced proceeding.

Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Nicholas A. Stobbe

NAS/dmc
Attachments

cc: The Honorable Gail M. Chiodo (*w/attachments*)
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA EMAIL

Christopher M. Andreoli, Esquire
Assistant Consumer Advocate
Erin L. Gannon, Esquire
Senior Assistant Consumer Advocate
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101
candreoli@paoca.org
egannon@paoca.org

Richard A. Kanaskie, Esquire
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor
Harrisburg, PA 17120
rkanaskie@pa.gov

Steven C. Gray, Esquire
Office of Small Business Advocate
555 Walnut Street
1st Floor, Forum Place
Harrisburg, PA 17101
sgray@pa.gov

Date: February 20, 2023



Nicholas A. Stobbe

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

The Honorable Gail Chiodo, Presiding

Pennsylvania Public Utility Commission	:	Docket No. R-2022-3037141
	:	
v.	:	Docket No. C-2023-3037579
	:	
Aqua Pennsylvania Wastewater, Inc.	:	

**PREHEARING MEMORANDUM OF
AQUA PENNSYLVANIA WASTEWATER, INC.**

AND NOW, comes Aqua Pennsylvania Wastewater, Inc. (“Aqua” or the “Company”) and submits this Prehearing Memorandum in connection with the Call-In Telephonic Prehearing Conference scheduled to be held in the above captioned matter on February 21, 2023.

I. BACKGROUND

This proceeding concerns Supplement No. 3 to Tariff Sewer-PA P.U.C. No. 3 (“Supplement 3”) of Aqua, filed with the Public Utility Commission (“Commission”) on December 7, 2022, for approval to establish a rider for contract rates for large industrial wastewater customer users (“LWCUR”) with an effective date of February 5, 2023.

Aqua voluntarily postponed the effective date of Supplement 3 until February 10, 2023 via letter filed with the Commission.

The Office of Consumer Advocate (“OCA”) filed a Formal Complaint and Public Statement on January 11, 2023. The Office of Small Business Advocate (“OSBA”) filed a Notice of Intervention and Public Statement on January 20, 2023.

On February 9, 2023, the Commission entered an Order suspending Supplement 3 until August 10, 2023, and assigned the matter to the Office of Administrative Law Judge for Alternative Dispute Resolution and scheduling of hearings, if necessary.

Administrative Law Judge Gail Chiodo was assigned to preside over the proceeding. A Call-In Telephone Prehearing Conference was noticed for February 21, 2023.

Judge Chiodo issued a Prehearing Conference Order on February 10, 2023. Paragraph 5 of the Prehearing Conference Order directs parties to file and serve a prehearing memorandum on or before 4:00pm on February 20, 2023.

II. LIST OF ISSUES AND AQUA'S POSITION IN REGARD TO THEM

Aqua presents the following issues in this proceeding:

Issue:

Is Aqua's implementation of a tariff rider for large industrial wastewater customers reasonable and in the public interest?

Aqua's Position:

Aqua's implementation of a tariff rider for large industrial wastewater customers is reasonable and in the public interest as it will allow the Company to retain customers who have competitive alternatives to service from the Company. The loss of revenue if large industrial wastewater customers choose an alternative to service from the Company would be borne by existing customers.

III. WITNESSES

Aqua plans to call the following witness in this matter:

Erin M. Feeney
Manager of Rates
Aqua Pennsylvania, Inc.
762 W. Lancaster Ave
Bryn Mawr, PA 19010
610-520-6359
efdomzalski@aquaamerica.com

Aqua requests that any contact with witnesses be arranged through Counsel.

Aqua reserves the right to call additional witnesses, as necessary, and agrees to notify Administrative Law Judge Chiodo and the parties promptly should Aqua determine that additional witnesses will be called.

IV. SERVICE OF DOCUMENTS

The Company agrees to accept electronic service of documents in this proceeding. In addition to Counsel in this proceeding, the Company requests email delivery of documents be provided to its witnesses.

V. LITIGATION SCHEDULE

Aqua is largely agreeable to the schedule proposed by the OCA in its Prehearing Conference Memorandum, which was filed and served on February 17, 2023. However, Aqua proposes that the date for Rebuttal Testimony be **March 30, 2023**, rather than March 29, 2023, as proposed by the OCA. Additionally, if it would expedite the proceeding and subject to parties' agreement, Aqua would be willing to extend the existing extension period for this proceeding by seven days, to August 17, 2023, thereby better allowing the Commission to act on this proceeding by the August 3, 2023 public meeting.

VI. DISCOVERY


Aqua does not propose any discovery modifications.

VII. SETTLEMENT

Aqua is willing to address settlement of all or part of the proceeding with the other parties.

Respectfully submitted,

AQUA PENNSYLVANIA WASTEWATER, INC.

By  _____

Michael W. Hassell (ID #34851)
Nicholas A. Stobbe (ID #329583)
Post & Schell, P.C.
17 North Second Street
12th Floor
Harrisburg, PA 17101-1601
Phone: 717-731-1970
Fax: 717-731-1985
Email: mhassell@postschell.com
Email: nstobbe@postschell.com

Alexander R. Stahl (ID #317012)
Aqua Pennsylvania Wastewater, Inc.
762 Lancaster Avenue
Bryn Mawr, PA 19010
Phone: 610-645-1130
Email: astahl@aquaamerica.com

Date: February 20, 2023

Counsel for Aqua Pennsylvania Wastewater, Inc.