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1 JUDGE ASHTON: This is the time and place
2 for a hearing in the matter of Jacqui Fray v. Aqua PA
3 Wastewater, Inc., docket number C-2022-3036686, and we
4 are on the record. Today's date is Wednesday, March
5 8th, 2023 and it is now 10:05 a.m.

6 My name is Arlene Ashton and I have been
7 assigned as the Administrative Law Judge to preside
8 over this hearing and to render a decision. The
9 parties are participating in this hearing by
10 telephone, and it will be conducted consistent with
11 Commission rules and regulations.

12 The complainant is present today. Good
13 morning, Ms. Fray.

14 MS. FRAY: Good morning.

15 JUDGE ASHTON: Just to make it clear for
16 the record, is an attorney representing you today or
17 are you representing yourself in this matter?

18 MS. FRAY: I am solo. Thank you.

19 JUDGE ASHTON: Thank you. And do you have
20 any witnesses who will be testifying on your behalf
21 today?

22 MS. FRAY: I am solo. Thank you.

23 JUDGE ASHTON: Okay. Very good. I just
24 wanted to make sure that was clear.

25 And we also have counsel for Aqua PA

1 Wastewater on the line. Good morning, Ms. Morris.

2 MS. MORRIS: Good morning, Your Honor.

3 JUDGE ASHTON: I guess please identify
4 yourself and your witness for the record.

5 MS. MORRIS: Yes. My name is Margaret
6 Morris from the law firm Reger, R-e-g-e-r, Rizzo,
7 R-i-z-z-o, Darnall, D-a-r-n-a-l-l, and I am
8 representing Aqua Pennsylvania Wastewater, Inc. My
9 witness with me today is Christopher Manning, who is a
10 finance and rate analyst for Aqua.

11 Thank you.

12 JUDGE ASHTON: Thank you.

13 All right. There are no observers that I
14 am aware of. Is there anyone else who is on the line
15 at this time? Please identify yourself.

16 All right. Hearing no others, we will
17 begin. As we begin the hearing I would like to note
18 that The Commission does have a policy regarding
19 settlements. I'm sure that Ms. Morris is aware of the
20 policy, but I want to be sure that it is clear to
21 everyone, including Ms. Fray.

22 It is The Commission's policy to encourage
23 settlement; that is, to have the parties find a
24 mutually agreeable solution to the matter that led to
25 the filing of the complaint without a formal hearing.

1 The parties may have more flexibility in finding a
2 solution than I do in a hearing.

3 Now please be aware that participation in
4 settlement discussions is not required. It is
5 completely voluntary and there is no obligation to
6 participate and no consequence or penalty if a party
7 does not agree to participate. If the parties do not
8 wish to participate in discussion and negotiations the
9 matter will be resolved through the normal hearing
10 process.

11 Ms. Morris, I believe that this was already
12 the subject of an Order concerning possible settlement
13 and mediation, is that correct?

14 MS. MORRIS: No, Your Honor. This was --

15 JUDGE ASHTON: Oh, that was a mistake.

16 MS. MORRIS: Right. At least,
17 unfortunately, the relief that is being requested is
18 that The Company negotiate the PUC approved customer
19 rate and charges. This is a challenge to the PUC Rate
20 Order that authorized the rate increase for Aqua
21 Wastewater effective May 2022. So, unfortunately, The
22 Company is prohibited from negotiating a rate
23 different than that -- than that which was approved by
24 The Commission.

25 The relief that the complainant is seeking

1 in terms of structuring the customer charge based on
2 number of household members rather than how it is
3 today is -- doesn't lend itself to a complaint
4 proceeding because under 701 a customer can file a
5 complaint for something The Company did or did not do
6 in violation of the code, rates, an Order or its
7 tariffs. Here the complainant is seeking to change
8 the customer charge calculation for all customers.
9 That should be done in the context of a rate case or
10 through a petition.

11 Thank you.

12 JUDGE ASHTON: All right. Well so,
13 Ms. Fray, it appears that Aqua Wastewater does not --
14 feels that it is unable to pursue a settlement. At
15 this time, as I said earlier, we cannot move forward
16 with negotiations unless both parties are willing to
17 proceed, so we will move forward with the hearing.

18 Now, before we move forward with the
19 hearing, I would like to briefly describe the process
20 that we will follow in the hearing so everyone has a
21 clear understanding of how it will be conducted.

22 Ms. Fray, as the complainant, you will
23 present your case first. This hearing is your
24 opportunity to tell me everything that you want me to
25 know about your complaint. We will begin by having me

1 swear you in and then you will have an opportunity to
2 testify about your complaint. You may also submit
3 exhibits, if you wish. Anything that you may have
4 sent previously, including the complaint and any
5 documents attached to the complaint, are currently not
6 evidence. Only exhibits that are submitted during
7 today's hearing will officially be made part of the
8 record and considered by me when I write my decision.

9 You have appeared here today without an
10 attorney and will be representing yourself in this
11 matter. That is not unusual. Many complainants
12 appear in this type of hearing without counsel or as
13 we sometimes call it pro se. You should understand
14 that it is my responsibility to develop a clear and
15 complete record in this case so I may ask you some
16 questions. My questions are not designed to help or
17 hurt your case. Rather they're intended to ensure
18 that we have a complete record.

19 I am not acting as your attorney and that
20 is not my role in this matter. After you finish your
21 testimony the attorney for The Utility, Ms. Morris,
22 may ask some questions. That's called
23 cross-examination, and, after cross-examination, then
24 the witness for The Utility will be sworn in and
25 questioned by counsel for The Utility. Again I may or

1 may not ask questions of The Utility witness to
2 clarify the record. When the witness has completed
3 testimony, Ms. Fray, you will have an opportunity to
4 question or cross-examine the witness.

5 The court reporter will then prepare and
6 file a transcript of today's proceeding. Afterwards,
7 I will consider all of the evidence presented and
8 issue a written decision, which is called an Initial
9 Decision.

10 Again let me reiterate that as the
11 Administrative Law Judge it is my duty to create a
12 clear record and issue a decision. So if there's
13 something I feel I need to ask to clarify the record I
14 will do so. I am a neutral party and not representing
15 the complainant or the respondent today.

16 Ms. Fray, do you understand what I have
17 just said?

18 MS. FRAY: Yes, Your Honor. Thank you.

19 JUDGE ASHTON: Thank you.

20 And, Ms. Morris, do you have any questions
21 about what I just said or anything you want to add?

22 MS. MORRIS: No, Your Honor.

23 JUDGE ASHTON: Thank you.

24 I want to remind everyone that the court
25 reporter is present. She's very important and will be

1 taking down every word being said today, and the
2 transcript that she creates will be an official record
3 for today's proceeding. It's imperative that we have
4 a clear record of today's hearing, and, to that end, I
5 will ask everyone to identify yourselves before
6 speaking, speak clearly, and please speak one at a
7 time.

8 All right. Now, Ms. Fitzgerald, let me
9 know if there is anything else you need --

10 The Court Reporter: Okay, Judge.

11 JUDGE ASHTON: -- at this time. If not, we
12 will move forward.

13 All right. Ms. Fray, are you prepared to
14 testify in support of your complaint?

15 MS. FRAY: Yes.

16 JACQUI FRAY, after having first been duly
17 sworn, was examined and testified as follows:

18 - - -

19 DIRECT EXAMINATION

20 - - -

21 JUDGE ASHTON: Please state your current
22 address.

23 MS. FRAY: 338 Mulbelly Drive, Limerick, Pa
24 19468.

25 JUDGE ASHTON: Very good. Is that the

1 subject of your complaint?

2 MS. FRAY: Yes.

3 JUDGE ASHTON: All right. Now to resolve
4 the complaint you are asking for an adjustment of
5 pricing for Wastewater services. As Ms. Morris
6 indicated earlier, the price for those services was
7 approved by the Pennsylvania Public Utility Commission
8 and it is included in Aqua Wastewater's tariff. What
9 is it that you want me to know about your complaint,
10 given that a tariff has the force and effect of law
11 and I cannot change that through an Initial Decision?

12 MS. FRAY: Okay. First of all, what I'd
13 like to say is I'm not sure where the me asking for
14 adjustment is coming from. This started as an
15 informal complaint when my water -- my sewer bills
16 went up 66 percent. This asking for adjustment I
17 could see coming from them led to a formal complaint
18 where on that form it asked for my opinion of what
19 could be done to make this situation better. So if
20 that was my answer in asking for an adjustment, I
21 would like to see it has been based on the usage per
22 household, not just per household, and these -- all
23 these tariffs and all these sales of the Aqua from
24 Limerick, to the PUC approving it, and tariffs
25 undoubtedly is above my education.

1 I do understand and respect the law. I do
2 pay my bills on time, however, all these -- here all
3 these adjustments, the sale, the township all was done
4 kind of undercover without any public hearing for
5 residents to state or just give their opinion before
6 the sale and all these legal ramifications took hold,
7 and there were no public hearings because of COVID.
8 Now there wasn't even any -- any communication between
9 either party, and that is the reason for my complaint.
10 So informal and formal. So all of these things are
11 done. The Limerick Township supervisors at that time,
12 six out of -- I'm sorry -- five out of six of the
13 elected officials aren't even involved with Aqua
14 because they have -- they don't have public sewer, so
15 it wasn't going to affect them.

16 MS. MORRIS: Your Honor, I'd like to object
17 please.

18 JUDGE ASHTON: Yes, Ms. Morris. Please
19 state your objection.

20 MS. MORRIS: Yes, Your Honor. Objection on
21 the grounds that all of the testimony and issue
22 regarding the sale of Limerick and whether or not
23 there was a public hearing before this tariff was
24 approved and communication, none of that is raised in
25 her complaint. Her complaint says there has been an

1 approved increase of 66 percent to my usage, base user
2 charge, I live alone, don't be it's acceptable, and
3 the requested relief is The Company should reduce the
4 base user charge to reflect the number of people per
5 household, and she has raised nothing regarding the
6 acquisition, and the acquisition has already been
7 approved, and I just object to her dragging that issue
8 into a complaint proceeding where she objects to the
9 approved increase in the base user charge.

10 Thank you.

11 JUDGE ASHTON: Okay. So, Ms. Fray,
12 Ms. Morris has raised an objection to your testimony,
13 and, essentially, do you understand her objection,
14 Ms. Fray?

15 MS. FRAY: Yes. I understood the words
16 coming out of her mouth.

17 JUDGE ASHTON: Okay. So let me just make
18 sure how that relates to the context of this hearing.
19 This hearing is about your formal complaint and the
20 arguments you made there. So we have to limit the
21 scope of this hearing to what's in your formal
22 complaint, and in the formal complaint you explain
23 your reason for the complaint as being the increase of
24 66 percent. Now you said -- you use the words to my
25 usage, base user charge, and so I believe you're

1 talking about a rate increase, and as the relief you
2 indicate that you -- The Company should reduce the
3 base user charge to reflect the number of people per
4 household and current income received to that
5 household. So that's what we have at issue today.
6 Whether the -- whether or not the acquisition of the
7 Wastewater facility by Aqua PA was done properly by
8 the township is beyond the scope of this hearing
9 and --

10 (Simultaneous conversation)

11 JUDGE ASHTON: -- was approved by the PUC.
12 So your comments -- your testimony about that are
13 really not relevant to your case that I have to rule
14 on today. So that's -- that's what Ms. Morris is
15 objecting to, and I'm going to sustain her objection
16 because I'm required to rule on what is in the
17 complaint, and those matters about approvals of the
18 sale and the acquisition by Aqua are outside the scope
19 of your complaint. Is that clear?

20 MS. FRAY: It is somewhat clear, because in
21 the beginning of all this you said that my complaint
22 wouldn't be part of the record, so how can she bring
23 up my complaint and object that my complaint wasn't
24 detailed enough in that I am a novest at this and I
25 had one paragraph, handwritten paragraph, because I'm

1 technology-challenged that I didn't go into the whole
2 thing on an informal complaint if -- pardon my
3 ignorance, but my question really is; if my complaint
4 isn't part of the record how can she object to what I
5 just said if she's writing -- like I don't understand
6 that.

7 JUDGE ASHTON: Okay. Let me try to explain
8 that to you, and I fully appreciate that you didn't go
9 to law school, and, you know, many, many consumers in
10 this type of a hearing appear without counsel and have
11 similar questions. So no worries about that.

12 What -- there's a distinction between
13 filings that were made with The Commission, which is
14 what you did with your informal and formal
15 complaints --

16 MS. FRAY: Correct.

17 JUDGE ASHTON: -- and the documentation
18 which will serve as the basis for my decision. So it
19 is clear that you filed your formal complaint and its
20 contents, the subject of today's hearing, and, in
21 fact, Ms. Morris responded, and Aqua PA responded, to
22 that complaint with an answer that they filed with The
23 Commission so --

24 MS. FRAY: Understood.

25 JUDGE ASHTON: So all of those filings, all

1 of that information, is on -- has been sent to The
2 Commission, however, for it to be considered by me in
3 making my decision it has to be entered into the
4 record as a -- as like a physical document, if you
5 will, in support of your testimony.

6 Now if your testimony is identical to the
7 complaint it sort of in a certain sense makes it
8 unnecessary to enter the complaint. That's why I was
9 giving you an opportunity to take what you had in the
10 complaint, bring it into the record through your
11 testimony, you know, explaining everything you said,
12 you know, you can repeat verbatim what you said there
13 if you wish, and that way it will, in fact, become
14 part of the official record as your testimony.

15 Now -- so it's kind of a very subtle
16 distinction. It's all about the rules of evidence,
17 which, having not gone to law school, are not part of
18 your every day knowledge. Most people don't know
19 about them. It's only lawyers and folks who practice
20 in this base who -- or in other litigation venues --
21 are aware of that.

22 So you -- the physical document you
23 submitted is not something I will rely on. I will
24 rely on your testimony and any documents that, if you
25 wish, you can enter into the record. Now you were

1 instructed to give us advanced notice of that. If you
2 want to put something in later, we can discuss how and
3 when to do that, but, for now, I'm going to sustain
4 Ms. Morris's objection, and we need -- ask you to
5 focus your testimony on what you are asking for here.

6 And I think before you proceed I just want
7 to make a comment or a statement about the words that
8 we used here. We try to use words and language as
9 precisely as possible and I think you and I have both
10 used the word adjustment a bit loosely here. When I
11 was explaining what you said, how you described the
12 reason for your complaint and the requested relief, I
13 may have used the word adjustment a little too
14 loosely. You said in your complaint that as a result
15 of the approved, and we put it in quotes, increase in
16 Aqua Wastewater rates included in their tariff your
17 bills for Wastewater service has increased about 66
18 percent. At least that's how I personally interpreted
19 your statement of the reason for the complaint. Is
20 that correct?

21 MS. FRAY: Right. Yes.

22 JUDGE ASHTON: Okay. And then as to
23 requested relief, meaning what do you want me to order
24 -- me, as a part of The Utility Commission, what do
25 you want The Commission to do to address your

1 complaint or to responded to your complaint, and you
2 indicated you want The Company to reduce base user
3 charges. That is something that you are asking for
4 and I think the word adjustment was used there as
5 well. You want your rates to go down, and not just
6 your rates but you are suggesting or asking that rate
7 be based -- be reduced -- that the rates should
8 reflect the number of people per household and the
9 current income received by that -- members of that
10 household, correct?

11 MS. FRAY: I don't know if I said income.
12 I don't have my complaint in front of me but I -- it
13 should be based on how much water is actually being
14 used. Like while I was filing this complaint and
15 talking with Aqua and they wanted to make a settlement
16 -- there is no settlement because everything's passed
17 -- they are like you have no -- you have barely any
18 usage, but there is nothing we can do because all of
19 this passed. So was I asleep when all of this passed?
20 Was there any public hearings on this? No, because
21 everybody was locked in their homes with COVID.

22 I don't -- I'm looking for it to just be a
23 fair tariff, a fair sale, of something that Aqua
24 purchased from Limerick that doesn't need maintaining,
25 that is in excellent condition, and for them to raise

1 rates so dramatically I do include everyone because
2 I'm not the only one affected. I just don't believe
3 it was a fair ethical business practice. And did I
4 state all of that? No, because I had a paragraph and
5 I'm writing it out in hand. I'm not sitting at a
6 computer because I --

7 (Simultaneous conversation)

8 THE COURT REPORTER: I'm sorry. What
9 was --

10 JUDGE ASHTON: Because you can't what?

11 MS. FRAY: See.

12 JUDGE ASHTON: Do you have a visual
13 impairment?

14 MS. FRAY: Somewhat, yes, but that's not
15 anything to do with this. It just makes it difficult
16 for me to sit at a computer and type.

17 JUDGE ASHTON: Okay. All right. So let me
18 just respond to a couple of things that you had said,
19 and I am going to remind you that the issue of the
20 tariff has already been settled by the PUC when it
21 approved the Aqua Wastewater tariff.

22 (Simultaneous conversation)

23 JUDGE ASHTON: The sale was already
24 approved by the PUC as well.

25 MS. FRAY: Right.

1 JUDGE ASHTON: So those two things are
2 beyond the scope of my authority in what I can order
3 The Company to do in this context. Now I believe that
4 Ms. -- you referred to this as whether it was a fair
5 and ethical business practice by the parties who
6 entered into that transaction. The fact that the
7 transaction took place and that the rates that are to
8 be applied after the transaction were approved by the
9 PUC are off the table. That's not part of today's
10 discussion.

11 MS. FRAY: Understood.

12 JUDGE ASHTON: And I believe that
13 Ms. Morris indicated earlier that the appropriate
14 place to raise those issues relating to business
15 practice, the amount of the tariffs, how it is levied
16 on, you know, whether it includes number of household
17 members and their income or other criteria, that would
18 all be done through a rate approval process that Aqua
19 went through as part of this acquiring the assets of
20 the township and moving forward with operation of the
21 system, and they come up for review from time to time.

22 So, Ms. Morris, I'm going to ask you to
23 take it from there in terms of where you think the
24 appropriate venue for Ms. Fray's complaint would be,
25 if not here.

1 MS. MORRIS: Yes, Your Honor. So The
2 Commission issued a ruling in I believe it's a Herscas
3 (ph.) v. Twin Lake, and in that particular case the
4 customer or complainant was objecting to the rate
5 increase that has been approved by The Commission.
6 That customer was a seasonal customer and objected to
7 paying the same rate as someone who lived there full
8 time. The Commission determined and stated that
9 Section 701 of the Public Utility Code says that the
10 -- a customer can object to something that The Company
11 did or did not do in violation of the code, commission
12 relations, a commission order, or a PUC approved
13 tariff. The Commission went on to say that for -- to
14 raise an issue regarding rate design or how things are
15 priced, that is done in the context of a base rate
16 case. In a base rate case, such as the one that Aqua
17 filed in 2021, Aqua has the burden of proof regarding
18 all of its adjustments, its proposed rates, et cetera.

19 And in complaint proceedings, you, the
20 customer have the burden of proof, which is almost
21 impossible absent having expert witnesses to be able
22 to discuss and to critique what The Commission did in
23 its 500 page rate order and the tariffs that were
24 approved. So you can always call the Office of
25 Consumer Advocates. They are statutory interveners

1 that represent the residential class. They -- I would
2 note they did participate in the 2021 rate case, which
3 was litigated among all the parties.

4 So the place where you can raise an issue
5 regarding the base user charge if you want it to be
6 reflected regarding the number of people per
7 household, that would be done in the context of a rate
8 case, and when -- I just want to make sure that you
9 were clear; there were no in-person public input
10 hearings but there were public input hearings that
11 were done via Zoom, and many, many people -- over the
12 phone telephonically -- excuse me -- but there were
13 many customers who came out and did participate and
14 provide their comments for the public input hearing,
15 and The Commission, after hearing all of the -- and
16 the judge after hearing all of the evidence in the
17 rate case, wrote a recommended decision. Some
18 parties, such as the Office of Consumer Advocates,
19 objected to some provisions and The Commission then
20 deliberated and unanimously approved the order and
21 rates that are in effect today.

22 JUDGE ASHTON: All right. Thank you,
23 Ms. Morris.

24 Ms. Fray, with all of that as background
25 what else, if anything, do you want to add for the

1 record about your case and your complaint?

2 MS. FRAY: The only thing I would to add
3 is, to use Ms. Morris's word, that it's impossible for
4 me to get anywhere, but I thank you all, all parties
5 involved, for your time.

6 JUDGE ASHTON: Hold on. Ms. Fray, I want
7 to remind you that --

8 MS. FRAY: Yes?

9 JUDGE ASHTON: I want to remind you that --
10 I want to remind you that Ms. Morris's comments went
11 further than that in that she said that as an
12 individual it may be difficult for you to impact the
13 rate case on your own without a support and
14 assistance, but she did refer to an organization -- or
15 an entity created by statute, by law to be the voice
16 for consumers in those proceedings that has a stack of
17 experts and engages expert witnesses to represent the
18 concerns of consumers in those proceedings, that is
19 The Office of Consumer Advocate, and you can find
20 their information on the Commission -- the
21 Pennsylvania Public Utility Commission website and it
22 is -- that is one other way that you, as an
23 individual, can provide input to the process of
24 establishing or changing Aqua Wastewater tariff rates
25 and that -- without going to the cost and expense of

1 hiring lawyers or experts when they are already
2 available to you through that entity which was created
3 by statute specifically for that purposes.

4 MS. MORRIS: Your Honor, I can provide the
5 phone number for the OCA to Ms. Fray, if she would
6 like, if that would be more convenient for her?

7 Would you like their phone number?

8 MS. FRAY: Sure. Thank you.

9 MS. MORRIS: 717-783-5048.

10 MS. FRAY: Thank you.

11 JUDGE ASHTON: All right. Ms. Fray, is
12 there anything else you want to add for the record or
13 to the record in support of your complaint and
14 requested remedies?

15 MS. FRAY: Just for the record I would like
16 to just again thank all parties involved. I am just a
17 person living by myself who was like, what, this is
18 ridiculous, and I can honestly say I'm not even sure
19 how it got this far cause I'm taking everybody's time.
20 I will never be happy with the rate increase. There
21 is not a department or anything that's going to make
22 it clear in my mind, and I'm just going to have to
23 leave it at that, but I do appreciate everybody
24 listening to me complain.

25 JUDGE ASHTON: Well, Ms. Fray, first of

1 all --

2 MS. FRAY: Yes?

3 JUDGE ASHTON: -- let me respond to you by
4 saying, as a consumer, you have rights under the
5 Pennsylvania Public Utility Code. We -- and you are
6 certainly within your rights to file an informal
7 complaint, and, if you disagree with the outcome, to
8 file a formal complaint, and this -- today's hearing
9 and this process is designed to help you understand,
10 you know, what can and cannot be done, what role we
11 can play -- each of us has a role to play in that
12 process; you, as a consumer, myself, as Administrative
13 Law Judge, Ms. Morris in representing the interest of
14 The Utility.

15 So you know, we all are performing our
16 respective obligations and responsibilities, and, you
17 know, there's no need for thanking us. That's what we
18 do. That's what we are charged to do. That's what we
19 have sworn to do.

20 So if you have nothing else, I will ask
21 Ms. Morris if she wants to -- if she has any questions
22 for you or wants to add anything to the record or have
23 Mr. Manning provide testimony.

24 MS. MORRIS: Well, Your Honor, I'm a little
25 confused.

1 Ms. Fray, I interpreted what you said in
2 thanking everyone is that you did not wish to proceed
3 with your complaint at this time. Is that where you
4 are right now? I'm just trying to --

5 MS. FRAY: Where I'm at right now is going
6 to get off of this phone and call the Customer
7 Advocacy number at 717 -- I wrote down --

8 MS. MORRIS: Okay. So the question I have
9 for you is; regarding the complaint that is presently
10 before Judge Ashton, are you saying that you don't
11 want to pursue that any further, that you're going to
12 call the Office of Consumer Advocate and speak with
13 them, or are you still expecting Judge Ashton to issue
14 an Initial Decision?

15 MS. FRAY: Yes. I am waiting for the
16 Initial Decision.

17 MS. MORRIS: Okay.

18 (Simultaneous conversation)

19 MS. FRAY: Why would I have -- what?

20 MS. MORRIS: Okay. Your Honor, I apologize
21 because I didn't understand what she was saying. So,
22 obviously, The Company -- not obviously. The Company
23 will be presenting the testimony of Mr. Manning since
24 the complainant is still going forward that The
25 Company should be reducing its usage charge, and we

1 have no questions on cross-examination.

2 JUDGE ASHTON: Okay. Then, Mr. Manning,
3 you will have an opportunity to testify.

4 CHRISTOPHER MANNING, after having first
5 been duly sworn, was examined and testified as
6 follows:

7 JUDGE ASHTON: Thank you.

8 Go ahead, Ms. Morris. You may proceed.

9 MS. MORRIS: Thank you.

10 - - -

11 DIRECT EXAMINATION

12 - - -

13 BY MS. MORRIS:

14 Q. Please state your business address for the
15 record.

16 A. My business address is 762 West Lancaster
17 Avenue, Bryn Mawr, Pennsylvania.

18 Q. By whom are you employed and in what
19 capacity?

20 A. I'm employed by Aqua Pennsylvania as a
21 financial rates analyst.

22 Q. How long have you been employed by The
23 Company?

24 A. Since 2019.

25 Q. How long have you been in your current

1 position?

2 A. Three years.

3 Q. Please generally describe your duties and
4 responsibilities in your current position.

5 A. My duties primarily include the preparation
6 of various financial regulatory filings submitted with
7 the Pennsylvania Public Utility Commission. Those
8 filings include, but are not limited to, the
9 following; monthly earnings reports, distribution
10 system improvement charge, surcharge filings, water
11 and Wastewater tariff complaint filings, and other
12 regulatory compliance filings upon request of the PUC.
13 My duties also include the preparation of base rate
14 cases and supporting those applications as a primary
15 accounting witness. I report directly to the manager
16 of rates of Aqua Pennsylvania who I assist in the
17 oversight and direction of regulatory accounting
18 matters for Aqua Pennsylvania.

19 Q. Please describe your educational
20 background.

21 A. I graduated from Saint Francis University
22 in 2018 with a bachelors of science degree in business
23 administration with a major in accounting. I have
24 also completed the The Utility Rates School course
25 sponsored by the National Association of Regulatory

1 Utility Commissioners.

2 Q. Please provide your -- excuse me. Please
3 provide your professional background prior to becoming
4 a finance and rates analyst.

5 A. Upon graduation from Saint Francis
6 University I was hired as an associate at KPMG where I
7 performed financial statement audits. In October of
8 2019 I joined Aqua Pennsylvania where I filled my
9 current role as a financial rate analyst. My duties
10 in the rates and planning department include assisting
11 in the preparation of rate filings, monthly and annual
12 filings for distribution system improvement charge,
13 surcharges, earnings report filings, and tariff
14 updates. In addition, I build and maintain financial
15 reports, mange analyses, ad hoc reports, and other
16 complex financial models while streamlining these
17 processes in automated reports.

18 Q. On whose behalf are you testifying today?

19 A. Aqua Pennsylvania Wastewater.

20 Q. Are you authorized to testify on behalf of
21 Aqua?

22 A. Yes. I am.

23 Q. In the normal course of business activities
24 does Aqua create and maintain records with respect to
25 to its customers' Wastewater accounts?

1 A. Yes. It does.

2 Q. Are you familiar with how Aqua compiles and
3 maintains its Wastewater business records?

4 A. Yes. I am.

5 Q. Is this information kept in the ordinary
6 course of business?

7 A. Yes. It is.

8 Q. Is the making of the entry a regular
9 practice for employees?

10 A. Yes.

11 THE COURT REPORTER: Can you slow down,
12 counsel, please.

13 (Simultaneous conversation)

14 THE COURT REPORTER: Can you start over?

15 (Simultaneous conversation)

16 THE COURT REPORTER: Counsel, can you slow
17 down and start over please?

18 JUDGE ASHTON: I'm sorry. I'm sorry.
19 Folks, there is a lot of background noise. We need to
20 keep it a clear record, as I said earlier, and I
21 believe Ms. Fitzgerald has asked that the witness slow
22 down just slightly.

23 THE COURT REPORTER: And counsel. I need
24 the question repeated.

25 JUDGE ASHTON: Can you repeat the question,

1 Ms. Morris?

2 BY MS. MORRIS:

3 Q. So is this information kept in an ordinary
4 course of business?

5 A. Yes. It is.

6 Q. Is the making of the entry a regular
7 practice for employees?

8 A. Yes. It is.

9 Q. In your position do you have access to and
10 use of Aqua's Wastewater business records you just
11 described?

12 A. Yes. I do.

13 Q. In preparation for this hearing did you
14 review Aqua's Wastewater business records for the
15 Wastewater account of Jacqui Fray?

16 A. Yes.

17 Q. Specifically what records did you
18 personally review in preparation for this hearing?

19 A. I reviewed the customer information, the
20 notice for the proposed 2021 rate application, the PUC
21 order, the secretarial letter approving the compliance
22 tariff, the Rate Zone 7 rate tariff, and select
23 monthly bills for the customer.

24 Q. Are you familiar with the formal complaint
25 filed by the complainant?

1 A. Yes. I am.

2 Q. I'm handing you what's been marked as Aqua
3 Exhibit 1. Can you please identify that document?

4 A. Yes. I can. Exhibit 1 is a one page
5 screen shot that reflects the customer information,
6 such as division, address, billing details, and when
7 the customer's account was established.

8 Q. When did Aqua begin providing Wastewater
9 service to the complainant?

10 A. Effectively July 25th, 2018.

11 Q. What division is the complainant's
12 residence located?

13 A. Limerick Division.

14 Q. Did Aqua seek a rate increase for its
15 Wastewater operations?

16 A. Yes. In 2021 at Docket Number
17 R-2021-3027386.

18 Q. Did Aqua provide written notice to the
19 existing customers of the rate request?

20 A. Yes. It did.

21 Q. Was the notice sent to the complainant?

22 A. Yes. It was by mail.

23 Q. I'm handing you what's marked as Aqua
24 Exhibit 2. Can you identify that document?

25 A. Yes. I can. Aqua Exhibit 2 consists of

1 two pages and is a copy of the notice of proposed
2 Wastewater rate changes for the Limerick Division
3 mailed to all customer in the Limerick Division.

4 Q. Did the PUC rule on Aqua's request?

5 A. Yes. The PUC entered an Opinion and Order
6 on May 16th, 2022 which authorized the rate increase
7 for all of its Wastewater divisions, including the
8 Limerick Division.

9 Q. Did The Commission approve the request made
10 by Aqua?

11 A. No. The rate application was fully
12 litigated and the PUC adopted the position of the
13 staff in the Bureau Investigation and Enforcement.

14 Q. Did Aqua amend its tariff consistent with
15 the entered 2022 Rate Order?

16 A. Yes. It did.

17 Q. Did Aqua submit the amended tariff for
18 review and approval by The Commission?

19 A. Yes. It did.

20 Q. Were the tariffs approved as being in
21 compliance with the 2022 entered Rate Order?

22 A. Yes. They were.

23 Q. I am handing you what's been marked as Aqua
24 Exhibit 3. Can you please identify that document?

25 A. Yes. I can. It is a letter from the PUC

1 secretary dated June 3rd, 2022, that the submitted
2 tariffs were approved by the PUC and in conformance
3 with the PUC's Order.

4 Q. What is the effective date of the
5 compliance tariff?

6 A. May 19th, 2022.

7 Q. Are Aqua's tariffs publically available?

8 A. Yes. They are. Both on the The Company
9 web and PUC website.

10 Q. I am handing you what's been marked as Aqua
11 Exhibit 4. Can you please identify that document?

12 A. Yes. I can. Aqua Exhibit 4 is four pages
13 which shows you the tariff -- the Wastewater tariff
14 for the Limerick Division. Page 1 is the cover sheet,
15 page 2 is the table of contents, page 3 reflects that
16 the Limerick Division is in Rate Zone 7, and page 4 is
17 the rate schedule for Rate Zone 7.

18 Q. What type of service is provided to the
19 complainant?

20 A. The complainant is provided residential
21 service. So the monthly base or customer charge is
22 \$42.13 per month and the customer is charged \$9.10
23 per thousand gallons of water use.

24 Q. Was the account billed consistent with the
25 PUC approved tariff in effect for the respective

1 billing period?

2 A. Yes. It was.

3 Q. I'm handing you what's been marked as Aqua
4 Exhibit 5. Can you please identify that document?

5 A. Yes. I can. Exhibit 5 is 18 pages, which
6 contains the customer's monthly bills beginning with
7 the bill dated June 24th, 2022 and ending with the
8 monthly bill dated January 11, 2023.

9 Q. Can Aqua charge a customer an amount
10 different than that set forth in the tariffs?

11 A. No. It cannot.

12 MS. MORRIS: Your Honor, that is all that I
13 have of the witness, and I would move for the
14 admission of Exhibits 1 through 5, and I would tender
15 the witness for cross-examination.

16 JUDGE ASHTON: All right. Ms. Fray, first
17 question for you is; do you have any objection to the
18 documents that were submitted as proposed exhibits and
19 that --

20 MS. FRAY: No. I do not.

21 JUDGE ASHTON: -- Mr. Manning referred to
22 during his testimony? Any objection to them coming
23 into the record?

24 MS. FRAY: No.

25 JUDGE ASHTON: Thank you. And do you have

1 any questions that you would like to ask of
2 Mr. Manning?

3 MS. FRAY: No.

4 JUDGE ASHTON: Any cross-examination?

5 MS. FRAY: No.

6 JUDGE ASHTON: All right. Very good. All
7 right. Then, in that case, let me just summarize what
8 will happen now. Each party may make a closing
9 statement or argument in support of their position.

10 Ms. Fray, as the party with the burden of
11 proof, I will let you have the last word.

12 Ms. Morris, do you want to make a closing
13 statement?

14 MS. MORRIS: Your Honor, The Company's
15 position is that the complainant is being billed
16 consistent with the PUC approved tariff. There has
17 been no violation of the Public Utility Code
18 regulations, order, or tariff and The Company
19 respectfully requests that the complaint be dismissed
20 due to complainant's failure to carry her burden of
21 proof that the billed charges are not correct.

22 Thank you.

23 JUDGE ASHTON: All right. And, Ms. Fray,
24 would you like to make a final closing statement?

25 MS. FRAY: My closing statement, I just

1 stick with my original complaint; that is, it's just
2 ludicrous for a company to make a takeover and charge
3 customers that increase, that it just -- it could have
4 been handled more efficiently in my opinion, and, yes,
5 I have the burden of proof, and that's my burden. My
6 closing statement would just be thank you. Again, I
7 thank you for your time.

8 JUDGE ASHTON: All right. Now just so
9 everyone is clear about what happens after we adjourn
10 today, the court reporter will prepare a transcript.
11 Once I receive the transcript I will write an Initial
12 Decision. That is my decision of the complaint based
13 on the record that has been developed today. Each
14 party will receive a copy of that decision and
15 attached to it will be instructions detailing how each
16 party can file exceptions with The Commission, which
17 is basically a way of saying you want to appeal the
18 decision, and I will note, finally, as well that all
19 decisions of The Commission are appealable to the
20 Commonwealth Court of Pennsylvania.

21 A transcript of today's hearing will be
22 prepared by the court reporter. There is a charge to
23 any party that wishes to obtain a copy of the
24 transcript.

25 Ms. Morris, do you want a copy of the

1 transcript?

2 MS. MORRIS: Not at this time, Your Honor.
3 I would note as soon as the hearing is over Connor
4 O'Brien, my paralegal, will be forwarding the exhibits
5 to the court reporter, and we will copy you, Your
6 Honor, so you know that the exhibits have been sent.

7 Thank you.

8 JUDGE ASHTON: Thank you. Please copy
9 Ms. Fray as well.

10 And, Ms. Fray, would you like to have a
11 copy of the transcript for today's hearing?

12 MS. FRAY: I would love to have it but I
13 honestly can't afford it because I have to pay Aqua.

14 JUDGE ASHTON: All right then. And,
15 Ms. Fray, do you have any questions before we adjourn
16 the hearing?

17 MS. MORRIS: I do, but I'm going to hold
18 them. Just because it's the law, doesn't make it
19 right.

20 JUDGE ASHTON: Okay. And, Ms. Morris, any
21 questions or anything you want to add for the record
22 before we adjourn?

23 MS. MORRIS: No, Your Honor.

24 JUDGE ASHTON: All right. I would like to
25 thank everyone for their appearance and participation

1 today.

2 The hearing is adjourned. It is now 10:56

3 a.m.

4 Thank you and have a good day.

5 (Whereupon, the hearing concluded.)

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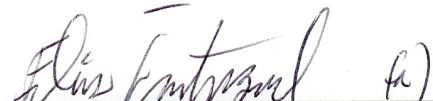
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C E R T I F I C A T E

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me via remote teleconference, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.



ELISE FITZGERALD, RPR

KARASCH & ASSOCIATES
Chester County Bar Association Building
15 West Gay Street, 2nd Floor
West Chester, Pennsylvania 19380
(800) 621-5689

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