



COMMONWEALTH OF PENNSYLVANIA

June 21, 2023

E-FILED

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

Re: Application of Towamencin Township, Pursuant To 66 Pa. C.S. § 1102(A), For A Certificate of Public Convenience to Offer, Furnish, Render, And Supply Wastewater Service to the Public in Certain Portions of Worcester Township, Lower Salford Township, Franconia Township and Lansdale Borough, All in Montgomery County, Pennsylvania / Docket No. A-2023-3040661

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/ Sharon E. Webb

Sharon E. Webb
Assistant Small Business Advocate
Attorney ID No. 73995

Enclosures

cc: Parties of Record
Brian Kalcic

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Application Of Towamencin Township, :
Pursuant To 66 Pa. C.S. § 1102(A), For A :
Certificate Of Public Convenience To :
Offer, Furnish, Render, And Supply :
Wastewater Service To The Public In : Docket No. A-2023-3040661
Certain Portions Of Worcester Township, :
Lower Salford Township, Franconia :
Township And Lansdale Borough, All In :
Montgomery County, Pennsylvania :**

**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 Advocates Sharon E. Webb. Please address all correspondence as follows:

Sharon E. Webb
Assistant Small Business Advocates
Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, Pennsylvania 17101
(717) 783-2525
(717) 783-2831 (fax)
swebb@pa.gov

II. FILING BACKGROUND

On May 13, 2023, Towamencin Township (“Applicant” or “Township”) filed an Application for a Certificate of Public Convenience *Nunc Pro Tunc*, to offer, furnish, render and supply wastewater service to the public in certain portions of Worcester Township, Lower Salford Township, Franconia Township and Lansdale Borough, and all of Montgomery County, Pennsylvania pursuant to Pennsylvania Public Utility Code, 66 Pa. C.S. § 1102(a). Additionally, the Application, also requests a Certificate to Abandon Service upon the closing of a proposed sale of substantially all of the Applicant’s assets comprising its wastewater system to the Pennsylvania-American Water Company (“PAWC” or “Company”) pursuant to Pennsylvania Public Utility Code, 66 Pa. C.S. § 1102(a).

On May 25, 2023, the OSBA filed a Notice of Intervention and Public Statement. On June 15, 2023, the Office of Consumer Advocate (“OCA”) filed a Notice of Intervention and Public Statement.

Administrative Law Judge (“ALJ”) Darleen D. Heep was assigned to this proceeding and issued a Prehearing Conference Order on June 13, 2023, informing the parties that the initial Prehearing Conference on this case will be held on June 22, 2023. The OSBA submits this prehearing memorandum in accordance with that order.

III. WITNESS

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

Brian Kalcic
Excel Consulting
7330 Dorset Avenue
St. Louis, MO 63130

314-863-3209
excel.consulting@sbcglobal.net

The OSBA requests that all parties provide courtesy copies of all documents, including discovery, testimony and briefs, upon Mr. Kalcic, simultaneously with service upon the OSBA.

IV. IDENTIFICATION OF ISSUES

The OSBA is participating in this case to ensure that the interests of small business customers of the Applicant and PAWC are adequately represented and protected. As appropriate and necessary, the OSBA will investigate and analyze the claims and proposals of the Applicant, PAWC and other parties, primarily through discovery, cross-examination of witnesses appearing for those parties, filing of testimony, and briefing of the issues that arise in this proceeding.

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

1. Whether the Proposed Transaction would provide affirmative public benefits to the Company's existing customer base; and
2. Whether the proposed rates applicable to acquired customers following the closing of the proposed acquisition, including how long such rates would remain in effect, constitute reasonable and appropriate rate commitments.

The OSBA submits that further information is required to determine the impact of the above concerns on small business customers.

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

IV. SERVICE OF DOCUMENTS

The OSBA agrees to accept electronic mail delivery of documents on the due date as satisfying the in-hand requirement. The OSBA requests that electronic service also provided to its witness identified above.

In addition to copies of pleadings, briefs, and exceptions, the OSBA requests copies of responses to discovery propounded by the OSBA or any other party. The OSBA also requests that all parties serve electronic copies of all interrogatory responses upon the OSBA and the OSBA witness identified above.

V. DISCOVERY

The OSBA will work with the Presiding Officer and the other parties to develop any mutually acceptable discovery modifications.

VI. SETTLEMENT

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

VII. PROCEDURAL SCHEDULE

The OSBA will work with the Presiding Officer and the other parties to develop a mutually acceptable procedural schedule.

Respectfully submitted,

/s/ Sharon E. Webb

Sharon E. Webb
Assistant Small Business Advocate
Attorney ID # 73995

Office of Small Business Advocate
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Harrisburg, PA 17101
(717) 783-2525
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Dated: June 21, 2023

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Lower Salford Township, Franconia :
Township And Lansdale Borough, All In :
Montgomery County, Pennsylvania :**

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).

The Honorable Darlene D. Heep
Pennsylvania Public Utility Commission
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DATE: June 21, 2023

/s/ Sharon E. Webb

Sharon E. Webb
Assistant Small Business Advocate
Attorney ID No. 73995