

BOEHM, KURTZ & LOWRY
36 EAST SEVENTH STREET, SUITE 1510
CINCINNATI, OHIO 45202

TELEPHONE (513) 421-2255

VIA eFILING

July 7, 2023

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

Re: In re: Application of Pennsylvania-American Water Company under Sections 1102(a) and 1329 of the Pennsylvania Public Utility Code, 66 Pa C.S. § § 1102(a) and 1329, approval of (1) the transfer, by sale, to Pennsylvania-American Water Company, of substantially all of the assets, properties and rights related to the wastewater collection and treatment system owned by the Butler Area Sewer Authority, (2) the rights of Pennsylvania-American Water Company to begin to offer or furnish wastewater service to the public in the City of Butler, and portions of the Borough of East Butler, and portions of the Townships of Butler, Center, Connoquenessing, Oakland, and Summit, in Butler County, Pennsylvania Docket # A-2022-3037047

Dear Secretary Chiavetta:

Attached please find the PREHEARING MEMORANDUM OF CLEVELAND-CLIFFS STEEL for filing in the above-captioned proceedings.

Copies will be served on all known parties in these proceedings, as indicated on the attached Certificate of Service.

Respectfully submitted,

/s/ Kurt J. Boehm

Kurt J. Boehm, Esq.

Jody Kyler Cohn, Esq.

BOEHM, KURTZ & LOWRY

**COUNSEL FOR CLEVELAND-CLIFFS
STEEL**

KJBkew

2. Representation of Cleveland-Cliffs

Cleveland-Cliffs is represented by the following attorneys in this matter:

Kurt J. Boehm, Esq.
Jody Kyler Cohn, Esq.
BOEHM, KURTZ & LOWRY
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
Ph: (513) 421-2255 Fax: (513) 421.2764
kboehm@BKLawfirm.com
jkylercohn@BKLawfirm.com

Cleveland-Cliffs is in the process of hiring local counsel and intends to file a Motion Pro Hac Vice shortly.

3. Issues Raised by Cleveland-Cliffs

Cleveland-Cliffs is a large industrial customer that takes service from PAWC and BASA. The rates paid by Cleveland-Cliffs for wastewater service will be significantly affected if the Commission approves PAWC's Application. Cleveland-Cliffs alleges that the information filed in support of the Company's proposed rate increase is insufficient to establish that the rates to be collected are just and reasonable. Cleveland-Cliffs also alleges that the rate structure proposed by the Company may result in large industrial customers subsidizing other rate classes. Cleveland-Cliffs intends to address these issues and recommend specific changes to the Company's proposal.

4. Testimony of Cleveland-Cliffs

Cleveland-Cliffs has not yet determined if it will sponsor expert witness testimony.

5. Procedural Schedule

Cleveland-Cliffs commits to work with the parties and the Commission to craft a schedule that is acceptable to all participants.

6. Settlement

Cleveland-Cliffs is willing to participate in settlement discussions with any party to narrow or fully resolve the issues in this matter.

Respectfully submitted,

/s/ Kurt J. Boehm _____

Kurt J. Boehm, Esq.

Jody Kyler Cohn, Esq.

BOEHM, KURTZ & LOWRY

36 East Seventh Street, Suite 1510

Cincinnati, Ohio 45202

Ph: 513.421.2255 Fax: 513.421.2764

e-mail: kboehm@BKLawfirm.com

jkylercohn@BKLawfirm.com

**ATTORNEYS FOR CLEVELAND-CLIFFS
STEEL**

July 7, 2023

CERTIFICATE OF SERVICE

I hereby certify that I have served a true copy of the foregoing Prehearing Memorandum of Cleveland-Cliffs Steel upon the parties listed below in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party) via electronic mail this 7th day of July, 2023.

/s/ Kurt J. Boehm

mguhl@pa.gov
sdelvillar@pa.gov
crainey@pa.gov
Elizabeth.Triscari@amwater.com
erin.fure@amwater.com
sgray@pa.gov
nhurdle@pa.gov
pcicero@paoca.org
dzambito@cozen.com
jnase@cozen.com
hbreitman@paoca.org
egannon@paoca.org
MBattle@paoca.org
rkanaskie@pa.gov
ermclain@pa.gov