



COMMONWEALTH OF PENNSYLVANIA

September 8, 2023

E-FILED

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

Re: Application of Pennsylvania American Water Company under Section 1102(a) of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 1102(a), for approval of (1) the transfer, by sale, of substantially all of the Sadsbury Township Municipal Authority's assets, properties and rights related to its wastewater collection and conveyance system to Pennsylvania American Water Company, and (2) the right of Pennsylvania-American Water Company to begin to offer or furnish wastewater service to the public in portions of Sadsbury Township, Pennsylvania, Lancaster County, Pennsylvania / Docket No. A-2023-3042058

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: Kevin Higgins
Parties of Record

555 Walnut Street, 1st Floor
Harrisburg, Pennsylvania 17101
(717) 783-2525
(717) 783-2831 (fax)
swebb@pa.gov

II. FILING BACKGROUND

On August 4, 2023, Pennsylvania-American Water Company. (“PAWC” or “Company”) filed an Application pursuant to Pennsylvania Public Utility Code, 66 Pa. C.S. § 1102(a) for a Certificate of Public Convenience with respect to the proposed (1) transfer by sale of substantially all of the assets, properties and rights of the Sadsbury Township Municipal Authority (“STMA”) owned and used in connection with the wastewater conveyance and collection system, to PAWC SLIBCO Utilities, Inc. assets, properties and rights related to its water distribution systems to PAWC; and, (2) PAWC’s right to offer, render, furnish and supply wastewater services in the areas served by STMA, Lancaster County, Pennsylvania.

The Application was published in the Pennsylvania Bulletin and Protests are due to be filed by or before September 5, 2023. On August 24, 2023, the OSBA filed a Notice of Intervention, Protest and Public Statement.

Administrative Law Judge (“ALJ”) Katrina Dunderdale was assigned to this proceeding and issued a Prehearing Conference Order on August 30, 2023, informing the parties that the initial Prehearing Conference on this case will be held on September 11, 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:

Mr. Kevin C. Higgins
Principal, Energy Strategies
111 East Broadway, Suite 1200
Salt Lake City, Utah 84111
(801) 355-4365
(801) 521-9142 – Fax
khiggins@energystrat.com

The OSBA requests that all parties provide courtesy copies of all documents, including discovery, testimony and briefs, upon Mr. Higgins, 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.

Due to the timing of the filing, and the OSBA's recent intervention, the OSBA has been in communication with PAWC in order to narrow the list of potential issues.

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.

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
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
(717) 783-2525
(717) 783-2831 (fax)

Dated: September 8, 2023

David P. Zambito, Esquire
Jonathan P. Nase, Esquire
Cozen O'Connor
17 North Second Street, Suite 1410
Harrisburg, PA 17101
dzambito@cozen.com
jnase@cozen.com

DATE: September 6, 2023

Thomas Wyatt, Esquire
Matthew S. Olesh, Esquire
Sydney N. Melillo, Esquire
Obermayer Rebmann Maxwell & Hippel, LLP
Centre Square West
1500 Market Street, Suite 3400
Philadelphia, PA 19102
Thomas.Wyatt@obermayer.com
Matthew.Olesh@obermayer.com
Sydney.Melillo@obermayer.com

/s/ Sharon E. Webb

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