

COMMONWEALTH OF PENNSYLVANIA



PATRICK M. CICERO  
Consumer Advocate

OFFICE OF CONSUMER ADVOCATE  
555 Walnut Street, 5th Floor, Forum Place  
Harrisburg, Pennsylvania 17101-1923  
(717) 783-5048  
(800) 684-6560

 @pa\_oca  
 /pennoca  
FAX (717) 783-7152  
consumer@paoca.org  
www.oca.pa.gov

October 3, 2023

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

Re: Columbia Water Company  
Petition for Partial Waiver of Lead Service  
Line Replacement Regulations Due to  
Absence of Lead Service Lines  
Docket No. P-2023-3041845

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Prehearing Memorandum in the above-referenced proceeding.

Copies have been served on the parties as indicated on the enclosed Certificate of Service.

Respectfully submitted,

/s/ Harrison W. Breitman  
Harrison W. Breitman  
Assistant Consumer Advocate  
PA Attorney I.D. # 3200580  
HBreitman@paoca.org

Enclosures:

cc: The Honorable. Charece Z. Collins (**email only:** [charcollin@pa.gov](mailto:charcollin@pa.gov) )  
The Honorable Mary D. Long (**email only:** [malong@pa.gov](mailto:malong@pa.gov) )  
Certificate of Service

CERTIFICATE OF SERVICE

Columbia Water Company :  
Petition for Partial Waiver of Lead Service : Docket No. P-2023-3041845  
Line Replacement Regulations Due to :  
Absence of Lead Service Lines :

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate's Prehearing Memorandum, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below. This document was also filed electronically on the Commission's electronic filing system.

Dated this 3<sup>rd</sup> day of October 2023.

SERVICE BY E-MAIL ONLY

Allison C. Kaster, Esquire  
Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120  
[akaster@pa.gov](mailto:akaster@pa.gov)  
*Counsel for I&E*

Steven C. Gray, Esq.  
Office of Small Business Advocate  
555 Walnut Street  
1<sup>st</sup> Floor, Forum Place  
Harrisburg, PA 17101-1923  
[sgray@pa.gov](mailto:sgray@pa.gov)  
*Counsel for OSBA*

Whitney E. Snyder, Esquire  
Thomas J. Sniscak, Esquire  
Phillip D. Demanchick Jr., Esquire  
Hawke McKeon & Sniscak LLP  
100 North Tenth Street  
Harrisburg, PA 17101  
[wesnyder@hmslegal.com](mailto:wesnyder@hmslegal.com)  
[tjsniscak@hmslegal.com](mailto:tjsniscak@hmslegal.com)  
[pddemanchick@hmslegal.com](mailto:pddemanchick@hmslegal.com)  
*Counsel for Columbia Water Company*

/s/ Harrison W. Breitman  
Harrison W. Breitman  
Assistant Consumer Advocate  
PA Attorney I.D. # 320580  
[HBreitman@paoca.org](mailto:HBreitman@paoca.org)

Christine Maloni Hoover  
Deputy Consumer Advocate  
PA Attorney I.D. # 50026  
[CHoover@paoca.org](mailto:CHoover@paoca.org)

Counsel for:  
Office of Consumer Advocate  
555 Walnut Street  
5<sup>th</sup> Floor, Forum Place  
Harrisburg, PA 17101-1923  
Phone: (717) 783-5048  
Dated: October 3, 2023  
4858-1660-1476

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Columbia Water Company Verified Letter :  
Petition for Partial Waiver of Lead Service : Docket No. P-2023-3041845  
Line Replacement Regulations Due to :  
Absence of Lead Service Lines :

---

PREHEARING MEMORANDUM  
OF THE  
OFFICE OF CONSUMER ADVOCATE

---

**I. INTRODUCTION**

On July 21, 2023, Columbia Water Company (Columbia or Company or CWC) filed with the Pennsylvania Public Utility Commission (Commission) a Petition seeking approval of a Lead Service Line Replacement Program (LSLR Program) and tariff revisions that will allow it to replace customer-owned lead service lines (COLSL), and to recover those costs as provided in Section 1311(b)(2) of the Public Utility Code, which was added to the Public Utility Code pursuant to Act 120 of 2018. 66 Pa. C.S. § 1311(b)(2). As required by Commission regulations implementing Act 120 of 2018, 52 Pa. Code §§ 65.51-65.62, the Company attached to its Petition a modified Long-Term Infrastructure Improvement Plan (LTIIIP). On August 10, 2023, the Office of Consumer Advocate (OCA) filed an Answer to the Company's Petition.

## **II. ISSUES**

In its Answer, the OCA made recommendations for the Commission's consideration in reviewing the Petition including the proposed modified LTIP. Specifically, the OCA addressed the following issues: (1) service line inventory; (2) prioritizing lead service line replacements; (3) process and procedures to obtain acceptance of a lead service line replacement; (4) post-replacement procedures; (5) lead service line replacement refusal; (6) publicly accessible website; (7) reimbursement, and; (8) outreach. As discussed in the OCA's Answer, additional information will be necessary for the Commission to determine whether the proposed LSLR additions to the LTIP are prudent and cost-effective and will maintain safe, reliable, and reasonable service as required by 66 Pa. C.S. §§ 1352(a)(5), (a)(6) and 1353.

## **III. WITNESSES**

At this time, the OCA has not yet determined whether it will present a witness. Once the OCA determines that a witness is necessary for any portion of its case, it will notify all parties of record immediately.

## **IV. DISCOVERY**

In order to effectively investigate and adequately develop a record in this proceeding, the OCA requests a modification to the Commission's procedural rules, 52 Pa. Code §5.321, et seq., on a going-forward basis, as set forth below:

1. Answers to written interrogatories will be served in-hand within ten (10) calendar days of service of the interrogatories;
2. Objections to interrogatories will be communicated orally within three (3) calendar days of service to the propounding party; unresolved objections shall be served on the parties in writing within five (5) calendar days of service of the interrogatories;

5. Any discovery or discovery related pleadings such as objections, motions, or answers to motions served after noon (12 p.m.) on a Friday or on any business day preceding a state holiday shall be deemed to have been served on the following business day for purposes of tracking responsive due dates;

6. Due dates will be “in-hand” with electronic service on the due date satisfying the “in-hand” requirement and where such service is immediately followed by a hard copy sent by first-class mail;

8. Requests for admission will be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service; and

9. Rulings over discovery motions shall be issued, if possible, within seven (7) calendar days of the filing of the motion.

10. Discovery requests and discovery related pleadings (such as objections, motions, and answers to same) served after 4:30 p.m. Monday through Thursday or after 12:00 p.m. on a Friday or the day preceding a holiday shall be deemed to have been served on the next business day.

11. On the Record Data requests will be provided within five (5) calendar days.

## **V. SERVICE ON THE OCA**

The OCA will be represented in this proceeding by Assistant Consumer Advocate Harrison W. Breitman and Christine Maloni Hoover, Deputy Consumer Advocate. The OCA asks that all documents should be served by email on the OCA as follows:

Harrison W. Breitman  
Assistant Consumer Advocate  
Office of Consumer Advocate  
E-Mail: HBreitman@paoca.org

Christine Maloni Hoover

Deputy Consumer Advocate  
Office of Consumer Advocate  
E-Mail: [CHoover@paoca.org](mailto:CHoover@paoca.org)

In addition to serving the undersigned, the OCA requests that [LMyers@paoca.org](mailto:LMyers@paoca.org) and [RMarshall@paoca.org](mailto:RMarshall@paoca.org) also be copied on any emails that provide service of any documents.

## **VI. PROPOSED SCHEDULE**

The OCA will work with the parties to develop a litigation schedule that is acceptable to the Presiding Officer and the parties.

## **VII. SETTLEMENT**

The OCA is willing to participate in settlement discussions.

Respectfully submitted,

/s/ Harrison W. Breitman  
Harrison W. Breitman  
Assistant Consumer Advocate  
PA Attorney I.D. # 320580  
[HBreitman@paoca.org](mailto:HBreitman@paoca.org)

Christine Maloni Hoover  
Deputy Consumer Advocate  
PA Attorney I.D. # 50026  
[CHoover@paoca.org](mailto:CHoover@paoca.org)

Counsel for:  
Patrick M. Cicero  
Consumer Advocate

Office of Consumer Advocate  
555 Walnut Street 5<sup>th</sup> Floor, Forum Place  
Harrisburg, PA 17101-1923  
(717) 783-5048  
DATED: October 3, 2023  
4874-6935-1299