



COMMONWEALTH OF PENNSYLVANIA

October 16, 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 for Acquisition of the
Wastewater Assets of the Borough of Brentwood / Docket No. A-2021-3024058**

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: Brian Kalcic
Parties of Record

II. FILING BACKGROUND

On July 1, 2021, Pennsylvania-American Water Company (“PAWC” or the “Company”) filed a Notice of Licensed Engineer and Utility Valuation Expert in the acquisition of the Borough of Brentwood Wastewater system. On April 3, 2023, PAWC filed an Application for approval of the transfer, by sale, of substantially all of the assets, properties and rights related to the wastewater collection and treatment system owned by the Borough of Brentwood (“Borough” or “Brentwood”) to PAWC (“*Application*”).

On April 7, 2023, the OSBA filed a Notice of Appearance, Notice of Intervention, and Public Statement.

On May 5, 2023, the Office of Consumer Advocate (“OCA”) filed a Notice of Appearance, Protest and Public Statement.

The Commission’s Bureau of Investigation and Enforcement (“I&E”) filed its Notice of Appearance on May 12, 2023.

On July 20, 2023, PAWC filed a letter requesting a Secretarial Letter to be issued setting a deadline for protests or petitions to intervene.

On July 20, 2023, a Secretarial Letter was issued in response to PAWC’s letter and October 16, 2023 was set as the deadline for protests or petitions to intervene.

On October 2, 2023, the Borough of Brentwood filed a Petition to Intervene.

On October 11, 2023, the Allegheny County Sanitary Authority (“ALCOSAN”) filed a Petition to Intervene.

On September 15, 2023, a Notice was issued that a telephonic Pre-Hearing Conference was scheduled for October 15, 2023 before Administrative Law Judge (“ALJ”) Katrina Dunderdale.

ALJ Dunderdale issued a Prehearing Conference Order on September 15, 2023.

III. IDENTIFICATION OF WITNESSES AND TENTATIVE ISSUES

Assisting in the development and presentation of the OSBA's case 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 will participate in the case to assure that the interests of small business customers of the Company are adequately represented and protected.

As appropriate and necessary, the OSBA will investigate and analyze the claims and proposals of the Company and other parties through discovery, through the cross-examination of witnesses appearing for those parties, through the filing of testimony, and through briefing. The OSBA will particularly focus on any issue where the impact on the interests of the Company's small business consumers would be unjustifiably different than, or disproportionate to, the impact on another class of customers, or otherwise lacking in reasonableness or basic fairness. The OSBA reserves the right to pursue additional issues as they arise throughout the proceeding.

IV. SERVICE OF DOCUMENTS

In accordance with 52 Pa. Code § 1.54(b)(3)(i), the OSBA agrees to accept electronic mail delivery of documents on the due date¹ as satisfying the in-hand requirement. The OSBA requests that electronic copies be provided to its witness identified above. The OSBA also requests that all parties serve an electronic copy of all interrogatory responses upon the OSBA

¹ In accordance with 52 Pa. Code § 1.56(a)(5), documents must be received by 4:30 pm.

and the OSBA witnesses identified above.

V. DISCOVERY

The OSBA does not propose any discovery modifications in this proceeding, but will work with the parties to develop any mutually agreeable discovery modifications.

VI. SETTLEMENT

The OSBA has engaged in settlement discussions with the other parties during this proceeding. The OSBA is willing to continue to engage in further settlement discussions at the appropriate time, as necessary.

VII. HEARING AND BRIEFING SCHEDULE

The OSBA has cooperated with the other parties to develop a procedural schedule. The OSBA is in agreement with the procedural schedule proposed by the Company in its Prehearing Memorandum.

Respectfully submitted,

/s/ Sharon E. Webb

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

Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, PA. 17101
(717) 783-2525
(717) 783-2831 (fax)

Dated: October 16, 2023

Elizabeth Rose Triscari, Esquire
Erin K. Fure, Esquire
Pennsylvania-American Water Company
852 Wesley Drive
Mechanicsburg, PA 17055
elizabeth.triscari@amwater.com
erin.fure@amwater.com

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

DATE: October 16, 2023

Scott T. Wyland
Elana D. Schnall
Salzmann Hughes, P.C.
1801 Market Street, Suite 300
Camp Hill, PA 17011
swyland@salzmannhughes.com
eschnall@salzmannhughes.com

Chester R. Babst, III, Esquire
Robert Max Junker, Esquire
Laura Stone, Esquire
Babst Calland Clements & Zomnir, P.C.
603 Stanwix Street
Two Gateway Center, 6th Floor
cbabst@babstcalland.com
rjunker@babstcalland.com
lstone@babstcalland.com

/s/ Sharon E. Webb

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