

COMMONWEALTH OF PENNSYLVANIA



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October 17, 2023

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

Re: Petition of Veolia Water Pennsylvania, Inc.
for Approval of a Lead Service Line
Replacement Program
Docket No. P-2023-3042107

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. # 320580
HBreitman@paoca.org

Enclosures:

cc: The Honorable Emily I. DeVoe (**email only**)
Certificate of Service
*4857-1745-3192

CERTIFICATE OF SERVICE

Petition of Veolia Water Pennsylvania, Inc. :
Approval of a Lead Service Line : Docket No. P-2023-3042107
Replacement Program :

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:

Dated this 17th day of October 2023.

SERVICE BY E-MAIL ONLY

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Counsel for Veolia Water PA, Inc.

/s/ Harrison W. Breitman
Harrison W. Breitman
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555 Walnut Street
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Harrisburg, PA 17101-1923
Phone: (717) 783-5048
Dated: October 17, 2023
*4856-1423-3736

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Veolia Water PA, Inc. Verified Letter :
Petition for Partial Waiver of Lead Service : Docket No. P-2023-3042107
Line Replacement Regulations Due to :
Absence of Lead Service Lines :

PREHEARING MEMORANDUM
OF THE
OFFICE OF CONSUMER ADVOCATE

I. INTRODUCTION

On July 21, 2023, Veolia Water Pennsylvania, Inc. f/k/a SUEZ Water Pennsylvania Inc. (Veolia or Company or VWPA) 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 (LTIIP).

On August 14, 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 and reaching a determination of whether the proposed LSLR improvements are prudent and cost-effective and will maintain safe, reliable, and reasonable service as required by the Public Utility Code and the Commission's regulations. *See* 66 Pa.C.S. §§ 1301, 1311(b)(2), 1501; 52 Pa. Code §§ 65.51-65.62. Specifically, the OCA addressed the following issues in its Answer: (1) service line inventory; (2) planning and replacement; and (3) customer outreach. The OCA reserves the right to address any other issue that is raised in the Petition based on any relevant evidence that is gathered during the discovery process.

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 Harrison W. Breitman, Assistant Consumer Advocate 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

In addition to serving the undersigned, the OCA requests that LMyers@paoca.org and 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.

VIII. LEAD ATTORNEY FOR PREHEARING CONFERENCE

As directed in the Prehearing Conference Order, Harrison W. Breitman, Assistant Consumer Advocate, will speak as the lead attorney for purposes of the prehearing conference.

Respectfully submitted,

/s/ Harrison W. Breitman

Harrison W. Breitman

Assistant Consumer Advocate

PA Attorney I.D. # 320580

HBreitman@paoca.org

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DATED: October 17, 2023

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Deputy Consumer Advocate

PA Attorney I.D. # 50026

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Counsel for:

Patrick M. Cicero

Consumer Advocate