



COMMONWEALTH OF PENNSYLVANIA

October 25, 2023

**E-FILED**

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

**Re: Pennsylvania Public Utility Commission v. Conneaut Lake Park Water Corporation, Inc. / Docket No. R-2023-3041575**

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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Pennsylvania Public Utility** : **Docket No. R-2023-3041575**  
**Commission v. Conneaut Lake Park** :  
**Water Corporation, Inc.** :  
:

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**OFFICE OF SMALL BUSINESS ADVOCATE**  
**PREHEARING MEMORANDUM**

I. INTRODUCTION

The Office of Small Business Advocate (“OSBA”) is authorized to represent the interests of small business customers of utility services before the Pennsylvania Public Utility Commission (“PUC” or the “Commission”) pursuant to the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 – 399.50 (“the Act”). In order to discharge this statutory duty, the Small Business Advocate deems it necessary to participate as a party to this proceeding. Representing the OSBA in this matter is Assistant Small Business Advocate Sharon E. Webb. Please address all correspondence in this matter as follows:

Sharon E. Webb  
Assistant Small Business Advocate  
Office of Small Business Advocate  
555 Walnut Street, 1<sup>st</sup> Floor  
Harrisburg, PA 17101  
(717) 783-2525  
(717) 783-2831 (fax)  
[swebb@pa.gov](mailto:swebb@pa.gov)

## II. FILING BACKGROUND

On August 31, 2023. The Conneaut Lake Water Corporation, Incorporated (“Conneaut” or the “Company”) filed Supplement No. 1 to Tariff Water-Pa. P.U.C. No. 1 (“Supplement No. 1”). The proposed Tariff, if approved by the Commission, would increase the total distribution revenues of Citizens’ by \$257,797 per year, a 970.8% increase in annual distribution revenues.

On September 18, 2023, Brian R. Lange filed a letter in opposition to the Conneaut’s Supplement No. 1, and also to Conneaut’s request to waive its metering requirements at Docket No. P-2023-3042648. The Office of Consumer Advocate (“OCA”) also filed its Notice of Appearance and Formal Complaint on September 18, 2023. The Commission’s Bureau of Investigation and Enforcement also filed its Notice of Appearance on September 19, 2023.

On September 11, 2023, the OSBA filed its Notices of Appearance and Formal Complaint.

By Order entered October 19, 2023, the proposed Supplement No. 1 to Tariff Water-- PA P.U.C. No. 1 was suspended by operation of law until May 31, 2024. The Commission ordered an investigation into the lawfulness, justness, and reasonableness of the rates, rules, and regulations contained in the proposed Supplement No. 1 to Tariff Water-- PA P.U.C. No.

A Pre-Hearing Conference Notice was issued on October 19, 2023. A Pre-Hearing Order was issued on October 20, 2023 scheduling a telephonic pre-hearing conference in this matter for October 26, 2023 before Administrative Law Judge (“ALJ”) Eranda Vero and Administrative Law Judge Arlene Ashton.

### III. IDENTIFICATION OF WITNESSES AND TENTATIVE ISSUES

Assisting in the development and presentation of the OSBA's case in this proceeding will be:

Mr. Brian Kalcic  
Excel Consulting  
7330 Dorset Avenue  
St. Louis, MO 63130  
(314) 863-3209  
[excel.consulting@sbcglobal.net](mailto:excel.consulting@sbcglobal.net)

The OSBA will participate in the case to assure that the interests of small business customers of PAWC 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 cross-examination of witnesses appearing for those parties and through briefing. The OSBA will particularly focus on any issue where the impact on the interests of the 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.

After an initial review of the materials submitted by PAWC, the OSBA has identified the following issues:

1. Whether the Company's requested annual increase of \$257,797 or 970% is warranted;
2. Whether the Company's proposed rate design is reasonable and appropriate; and
3. Whether the Company's proposed difference in flat rates applicable to Small Commercial versus Large Commercial customers is cost based.

The OSBA reserves the right to pursue additional issues after reviewing the testimony of the parties and as issues arise throughout the proceeding.

IV. DISCOVERY

Discovery is ongoing. The OSBA will work with the Presiding Officers and the other parties to develop any mutually acceptable discovery modifications.

V. 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 date<sup>1</sup> 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 and the OSBA witnesses identified above.

VI. SETTLEMENT

The OSBA notes its willingness to enter into settlement discussions at the appropriate phase of this proceeding.

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

VII. HEARING AND BRIEFING SCHEDULE

The OSBA will continue to cooperate with other parties to develop a mutually acceptable procedural schedule.

Respectfully submitted,

*/s/ Sharon E. Webb*

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Sharon E. Webb  
Assistant Small Business Advocate  
Attorney ID # 73995

Office of Small Business Advocate  
555 Walnut Street, 1<sup>st</sup> Floor  
Harrisburg, PA 17101  
(717) 783-2525  
(717) 783-2831 (fax)

Dated: October 25, 2023

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Pennsylvania Public Utility** : **Docket No. R-2023-3041575**  
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**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing have been served via email (*unless otherwise noted below*) upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

The Honorable Judge Eranda Vero  
The Honorable Judge Arlene Ashton  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
Suite 4063, 801 Market Street  
Philadelphia, PA 19107  
[evero@pa.gov](mailto:evero@pa.gov)  
[aasthon@pa.gov](mailto:aasthon@pa.gov)

Harrison W. Breitman, Esquire  
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(*Counsel for OCA*)

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100 State Street, Suite 700  
Erie, PA 16507-1459  
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DATE: October 25, 2023

*/s/ Sharon E. Webb*

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