



**COMMONWEALTH OF PENNSYLVANIA**

November 15, 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. CAN DO, Inc. (Water & Wastewater) /  
Docket Nos. R-2023-3040151 & R-2023-3040153**

Dear Secretary Chiavetta:

Enclosed please find the Complaint, Public Statement and Verification, on behalf of the Office of Small Business Advocate (“OSBA”), in the above-captioned proceedings.

Copies will be served on all known parties in these proceedings, as indicated on the attached Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Sincerely,

*/s/ Steven C. Gray*

Steven C. Gray  
Senior Supervising  
Assistant Small Business Advocate  
Attorney ID No. 77538

*Enclosures*

cc: Brian Kalcic  
Parties of Record

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Pennsylvania Public Utility Commission</b>	:	<b>Docket Nos. R-2023-3040151 (Wastewater)</b>
	:	
v.	:	<b>R-2023-3040153 (Water)</b>
	:	
<b>CAN DO, Inc. (Wastewater &amp; Water)</b>		

**COMPLAINT OF THE  
SMALL BUSINESS ADVOCATE**

1. The Complainant is:

NazAarah Sabree  
Small Business Advocate  
Forum Place  
555 Walnut Street, 1<sup>st</sup> Floor  
Harrisburg, PA 17101  
(717) 783-2525

2. The name and address of the attorney for the Office of Small Business Advocate (“OSBA”) is:

Steven C. Gray  
Senior Supervising  
Assistant Small Business Advocate  
Office of Small Business Advocate  
Forum Place  
555 Walnut Street, 1<sup>st</sup> Floor  
Harrisburg, PA 17101  
(717) 783-2525

3. The respondent utility is:

CAN DO  
One S. Church Street  
Suite 200  
Hazelton, PA 18201

4. The Complainant is authorized and directed by the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50, to represent the interests of small business consumers of utility services in matters before the Pennsylvania Public Utility Commission (“Commission”).

5. This Complaint is filed against the rates, terms, and other provisions of Tariff Water - Pa. P.U.C. No. 4 and Tariff Wastewater – Pa. P.U.C. No. 4, which were filed with the Commission on November 3, 2023, by CAN DO, Inc. (“CAN DO” or the “Company”). The rates set forth the Company’s November 3<sup>rd</sup> filing, if approved by the Commission, would increase CAN DO’s annual revenues by \$999,900.

6. After preliminary review of the materials filed by the Company in support of the proposed Tariffs, Complainant believes, and therefore avers, that those materials may be insufficient to justify the rate increase requested and that the Company’s present and proposed rates, rules, and conditions of service may be unjust, unreasonable, unduly discriminatory, and otherwise contrary to law, particularly as they pertain to CAN DO’s small business customers.

7. Complainant believes, and therefore avers, that CAN DO’s proposed tariff changes, proposed rates, rate design, and revenue allocation are or may be unjust, unreasonable, and unlawfully discriminatory in violation of, *inter alia*, Sections 1301 and 1304 of the Public Utility Code, 66 Pa. C.S. §§1301 and 1304, and, furthermore, are contrary to appropriate public policy, sound ratemaking considerations, and may not be supported by the materials filed by the Company.

8. In view of the foregoing, the Small Business Advocate respectfully requests that the Pennsylvania Public Utility Commission:

A. Suspend and investigate the operation of both Tariffs;

- B. At the conclusion of such investigation, reject the proposed new rates and other tariff changes to the extent required to make certain that CAN DO's rates are lawful, just, reasonable, and not unduly discriminatory to small business customers; and
- C. Grant such other relief as may be necessary or appropriate.

Respectfully submitted,

*/s/ Steven C. Gray*

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Steven C. Gray  
Senior Supervising  
Assistant Small Business Advocate  
Attorney ID No. 77538

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

Dated: November 15, 2023

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Pennsylvania Public Utility Commission</b>	:	<b>Docket Nos. R-2023-3040151 (Wastewater)</b>
	:	
v.	:	<b>R-2023-3040153 (Water)</b>
	:	
<b>CAN DO, Inc. (Wastewater &amp; Water)</b>		

**PUBLIC STATEMENT OF  
THE OFFICE OF SMALL BUSINESS ADVOCATE**

The Small Business Advocate is authorized and directed to represent the interest of small business consumers of utility services in Pennsylvania under the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50 (“Act”). The Act further provides that the Small Business Advocate is to issue publicly a written statement stating concisely the specific interest of small business consumers to be protected by her initiation of or intervention in any proceeding involving those interests before the Public Utility Commission (“Commission”) or any other agency or court. This public statement relates to the filing today by the Small Business Advocate of a complaint against the proposed water and wastewater tariff filings of CAN DO, Inc. (“CAN DO” or the “Company”), which would increase the annual operating revenue of CAN DO by \$999,900 per year.

The Small Business Advocate files this formal complaint against the Company’s proposed tariff filings to protect the interests of CAN DO’s small business customers. A thorough inquiry by the Commission into all elements of the Company’s proposed tariff filings is necessary to ensure that the tariff filings are lawful, just, reasonable, and not discriminatory to CAN DO’s small business customers.

In view of the foregoing, the Small Business Advocate will participate in proceedings before the Public Utility Commission to investigate the reasonableness of the proposed tariff


filings. The Small Business Advocate will ask the Commission to deny any proposed new rates and other tariff changes that apply to small business customers that are not proven by CAN DO to be lawful, just, reasonable, and not discriminatory to the Company's small business customers.

Dated: November 15, 2023

**VERIFICATION**

I, NazAarah Sabree, hereby state that the facts set forth herein above are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: November 15, 2023

  
\_\_\_\_\_  
(Signature)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Pennsylvania Public Utility Commission</b>	:	<b>Docket Nos. R-2023-3040151 (Wastewater)</b>
	:	
v.	:	<b>R-2023-3040153 (Water)</b>
	:	
<b>CAN DO, Inc. (Wastewater &amp; Water)</b>	:	

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing have been served via email (*unless other 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 Charles E. Rainey Jr.  
Chief Administrative Law Judge  
Pennsylvania Public Utility Commission  
400 North Street  
Commonwealth Keystone Building  
Harrisburg, PA 17120  
[crainey@pa.gov](mailto:crainey@pa.gov)

Patrick Cicero, Esquire  
Consumer Advocate  
Office of Consumer Advocate  
555 Walnut Street, 5th Floor  
Harrisburg, PA 17101  
[pcicero@paoca.org](mailto:pcicero@paoca.org)

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Director  
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400 North Street  
Commonwealth Keystone Building  
Harrisburg, PA 17120  
[rkanaskie@pa.gov](mailto:rkanaskie@pa.gov)

Jonathan P. Nase, Esq.  
Cozen O'Connor  
17 North Second Street, Suite 1410  
Harrisburg, PA 17101  
[jnase@cozen.com](mailto:jnase@cozen.com)

DATE: November 15, 2023

*/s/ Steven C. Gray*

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Steven C. Gray  
Senior Supervising  
Assistant Small Business Advocate  
Attorney ID No. 77538