

COMMONWEALTH OF PENNSYLVANIA



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Consumer Advocate

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December 4, 2023

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.; Docket Nos. R-2023-
3040151 (Wastewater) and R-2023-
3040153 (Water)

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Formal Complaint and Public Statement in this matter.

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

Respectfully submitted,

/s/ Melanie J. El Atieh
Melanie J. El Atieh
Senior Assistant Consumer Advocate
PA Attorney I.D. # 209323
MElAtieh@paoca.org

Enclosures:

cc: The Honorable Charles E. Rainey, Jr. (**email only**)
Certificate of Service
*4879-3959-6437

CERTIFICATE OF SERVICE

Pennsylvania Public Utility Commission :
v. : Docket No. R-2023-3040151 (Wastewater)
CAN DO, Inc. : R-2023-3040153 (Water)

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate’s Formal Complaint and Public Statement, 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 filed electronically on the Commission’s electronic filing system.

Dated this 4th day of December 2023.

SERVICE BY E-MAIL ONLY

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/s/ Melanie J. El Atieh
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717-783-5048
Dated: December 4, 2023
*4885-5583-1701

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

1. CUSTOMER NAME (COMPLAINANT)

Patrick M. Cicero, Consumer Advocate

555 Walnut Street, 5th Floor, Forum Place
Harrisburg, PA 17101-1923
Dauphin County

Phone: 717-783-5048

Facsimile: 717-783-7152

2. UTILITY NAME (RESPONDENT)

CAN DO, Inc. Water Division, R-2023-3040153
CAN DO, Inc. Wastewater Division, R-2023-3040151

3. TYPE OF UTILITY

Water and Wastewater

4. COMPLAINT

A. On November 8, 2023, the Greater Hazleton Community Area New Development Organization T/A CAN DO, Inc. Water Division and CAN DO, Inc. Wastewater Division (Company) filed Tariff Water - Pa. PUC No. 4, and Tariff Wastewater – Pa. PUC No. 4,¹ to become effective January 2, 2024. A full suspension by the Public Utility Commission (PUC or Commission) would delay the increase until August 8, 2024.² Through this tariff filing, the Company requests that the Commission approve a general rate increase to its water customers pursuant to Section 1308 of the Public Utility Code. 66 Pa.C.S. § 1308. The proposed tariff would increase the level of rates that the Company charges for providing service to its water customers to recover an estimated annual increase in water base rate revenues of \$999,900. This represents an approximate 43.1% increase in

¹ On November 15, 2023, the Company filed a new version of its Tariff Wastewater – Pa. PUC No. 4 in response to Commission Staff request.

² For general rate increases filed pursuant to 66 Pa.C.S. § 1308(d), the full suspension period is nine months (seven months plus sixty days). See 66 Pa.C.S. §§ 1308(a), (d); 52 Pa. Code § 53.31. If the Commission does not enter a final rate determination at the expiration of the full suspension period, the proposed general rate increase shall go into effect at the end of such period, subject to potential refund. See 66 Pa.C.S. §§ 1308(d), 1312.

the Company's annual revenues at present rates. The Company is not proposing a rate increase to its wastewater customers.

- B.** The Company also proposes changes to the rules and regulations set forth in its Water and Wastewater Tariffs, including but not limited to additional rules regarding limitations of liability. However, the tariff changes to both Tariffs are the same or very similar.
- C.** The Company serves only commercial and industrial customers. The Company serves approximately 119 water and 87 wastewater customers in Luzerne County and Carbon County. Based on the Company's presented data, water customers are expected to experience an increase in total bills of approximately 43%.
- D.** The Consumer Advocate is empowered to represent the interests of Pennsylvania consumers before the Pennsylvania Public Utility Commission, pursuant to Act 1976-161 of the General Assembly, as amended, 71 Pa. C.S. §§ 309-1 et seq.
- E.** A preliminary examination of the Company's rate increase request indicates that the Company's present rates and proposed charges, increases and changes in rates, rules, and regulations contained within the request are or may be unjust, unreasonable, and in violation of law; will or may allow the Company an opportunity to recover an excessive rate of return on its utility property investment, in violation of the Public Utility Code; will or may discriminate against certain customers; will or may compensate the Company for providing inadequate service to some or all of its customers; and otherwise may be contrary to sound ratemaking principles and public policy.

5. RELIEF

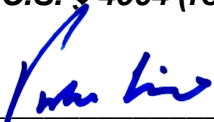
The Consumer Advocate respectfully requests that the Commission take the following actions:

- A.** Suspend and investigate the operation of both the proposed Water and Wastewater Tariffs for the suspension period under 66 Pa.C.S. § 1308(d) applicable to general rate increases;
- B.** Consolidate all complaints filed against the proposed Water rate increase and both Tariff changes;
- C.** Hold full evidentiary hearings examining the reasonableness of the Company's current rates and its proposed increases in rates and tariff changes;

- D. Deny any charges or changes contained in the proposal which cannot be fully justified by the Company, or which otherwise are contrary to the Public Utility Code, sound ratemaking principles, and public policy; and
- E. Grant such other relief that the Commission may deem to be necessary and proper.

6. VERIFICATION AND SIGNATURE

I, Patrick M. Cicero, hereby state that the facts above set forth are true and correct (or 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).



Signature

12/04/2023

Date

7. LEGAL REPRESENTATION

Melanie J. El Atieh, Senior Assistant Consumer Advocate, PA Bar No. 209323

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Dauphin County

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**PUBLIC STATEMENT OF THE OFFICE OF CONSUMER ADVOCATE
PURSUANT TO 71 P.S. SECTION 309-4(e)**

Act 161 of the Pennsylvania General Assembly, 71 Pa. C.S. § 309-2, as enacted July 9, 1976, authorizes the Consumer Advocate to represent the interests of consumers before the Pennsylvania Public Utility Commission (PUC). In accordance with Act 161, and for the following reasons, the Consumer Advocate determined to file a Formal Complaint and participate in proceedings before the PUC involving the proposed rate increase and changes in rules and regulations requested by the Greater Hazleton Community Area New Development Organization T/A CAN DO, Inc. Water Division and CAN DO, Inc. Wastewater Division (Company).

Under the Company's proposal, the proposed annual revenue collected from customers would increase by \$999,900 and the base rates per monthly bill would increase approximately 43%. Additionally, the Company proposes various changes in rules and regulations of service. The Company serves approximately 119 water and 87 wastewater commercial and industrial customers in Luzern County and Carbon County.

The objective of the Consumer Advocate in filing a Formal Complaint in this matter is to protect the interests of the Company's customers. The Consumer Advocate will seek to ensure that the Company is permitted to implement only a level of rates that is fully justified, just and reasonable, not unduly discriminatory, and otherwise in accordance with sound ratemaking principles and the Public Utility Code, PUC regulations and orders, and case law. The Consumer Advocate will strive to prevent the Company from collecting from ratepayers all alleged costs that cannot be justified, or are unreasonable or unduly discriminatory, or otherwise violative of the Public Utility Code. The Consumer Advocate submits that the Company's current rates, rates sought

by the Company, and changes in rules and regulations sought by the Company may be unjustifiable and unlawful based upon information filed by the Company in support of its claim. The Consumer Advocate has filed this Formal Complaint and will, during the proceedings, investigate the Company's proposed rate increase of \$999,900 and request that the PUC deny all proposed increases or changes that are not proven to be justified, reasonable, and in accordance with sound ratemaking principles.