



COMMONWEALTH OF PENNSYLVANIA

December 28, 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. Pennsylvania American Water Company  
/ Docket Nos. R-2023-3043189 (Water) / R-2023-3043190 (Wastewater)**

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 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*

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Senior Supervising  
Assistant Small Business Advocate  
Attorney ID No. 77538

Enclosures

cc: Brian Kalcic  
Kevin Higgins  
Parties of Record

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>PENNSYLVANIA PUBLIC UTILITY COMMISSION</b>	:	
	:	
v.	:	<b>Docket Nos. R-2023-3043189 (Water)</b>
	:	<b>R-2023-3043190 (Wastewater)</b>
	:	
<b>PENNSYLVANIA-AMERICANWATER COMPANY</b>	:	
	:	

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

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**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 (“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 these proceedings. Representing the OSBA in the above-referenced matter is Assistant Small Business Advocates Steven C. Gray and Rebecca Lyttle. Please address all correspondence in that matter as follows:

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## **II. FILING BACKGROUND**

On November 8, 2023, Pennsylvania-American Water Company (“PAWC”) filed Supplement No. 45 to Tariff Water-PA P.U.C. No. 5 and Supplement No. 47 to Tariff Wastewater PA P.U.C. No. 16 with the Pennsylvania Public Utility Commission (“Commission”). The rates set forth in the two Tariff Supplements, if approved by the Commission, would increase PAWC’s annual water and wastewater revenues by \$203.9 million.

The Office of Small Business Advocate (“OSBA”) filed a Complaint on November 20, 2023.

## **III. IDENTIFICATION OF WITNESSES AND TENTATIVE ISSUES**

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

Mr. Kevin C. Higgins  
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The OSBA will participate in the case to assure that the interests of small business customers of PAWC are adequately represented and protected. The OSBA has identified the following list of issues that it will evaluate in this proceeding:

1. Whether PAWC’s requested revenue requirement is reasonable.
2. Whether the methodology used in PAWC’s water cost-of-service study is appropriate.
3. Whether PAWC’s proposed class revenue allocation for water service customers is cost based.
4. Whether the methodology used in the Company’s wastewater cost-of-service studies is appropriate.

5. Whether the Company's proposed class revenue allocations for wastewater service customers are cost based.
6. Whether it is reasonable to adopt a revenue decoupling mechanism as proposed by PAWC.
7. Whether PAWC's proposed rate design is reasonable.
8. Whether PAWC's proposed Environmental Compliance Investment Charge is reasonable.
9. Whether it is reasonable to approve PAWC's requests for deferred accounting treatment for (a) pension and other post-employment benefits expense and (b) production costs.
10. Whether the Company's proposal to recover \$71.1 million of its claimed wastewater revenue requirement from water service customers is appropriate.
11. Whether PAWC's proposed methodology for allocating \$71.1 million of its claimed wastewater revenue requirement to its water service classes is cost based.
12. Whether PAWC's overall proposed wastewater increases are reasonable and appropriate.

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 date<sup>1</sup> as satisfying the in-hand requirement. The OSBA requests that email delivery of documents also be provided to its witnesses identified above.

In addition to email copies of pleadings, briefs, and exceptions, the OSBA requests email copies of responses to discovery propounded by the OSBA or any other party.

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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.

V. **SETTLEMENT**

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

VI. **HEARING AND BRIEFING SCHEDULE**

The OSBA proposes the follow procedural schedule:

- Non-Company Direct – February 6th
- All Party Rebuttal – February 27th
- All Party Surrebuttal – March 6th
- Rejoinder Outlines – March 11th by Noon
- Hearings – March 12th, 13th (in-person in Harrisburg, or Telephonic)
- Main Brief – March 27th
- Reply Brief – April 5th

Respectfully submitted,

*/s/ Steven C. Gray*

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Dated: December 28, 2023

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>PENNSYLVANIA PUBLIC UTILITY COMMISSION</b>	:	
	:	
v.	:	<b>Docket Nos. R-2023-3043189 (Water)</b>
	:	<b>R-2023-3043190 (Wastewater)</b>
	:	
<b>PENNSYLVANIA-AMERICANWATER COMPANY</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).

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