

COMMONWEALTH OF PENNSYLVANIA



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December 28, 2023

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:

Attached for electronic filing please find the Office of Consumer Advocate's Prehearing Memorandum in the above-referenced proceedings.

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

Respectfully submitted,

/s/ Erin L. Gannon
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Enclosures:

cc: The Honorable Christopher P. Pell (email only)
The Honorable John M. Coogan (email only)
Certificate of Service

*4863-3228-2009

CERTIFICATE OF SERVICE

Pennsylvania Public Utility Commission :
v. : Docket Nos. R-2023-3043189 (Water)
Pennsylvania-American Water Company : R-2023-3043190 (Wastewater)

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. This document was filed electronically on the Commission’s electronic filing system.

Dated this 28th day of December 2023.

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Dated: December 28, 2023
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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission	:	Docket Nos. R-2023-3043189 (Water)
v.	:	C-2023- 3044289(Water)
Pennsylvania-American Water Company	:	R-2023-3043190 (Wastewater)
	:	C-2023- 3044292(Wastewater)

PREHEARING MEMORANDUM
OF THE
OFFICE OF CONSUMER ADVOCATE

Pursuant to Section 333 of the Public Utility Code, 66 Pa. C.S. § 333, and in response to the Prehearing Conference Order issued in the above-captioned matter, the Office of Consumer Advocate (OCA) provides the following information:

I. INTRODUCTION

Pennsylvania-American Water Company (PAWC or the Company) filed Supplement No. 35 to Tariff Water – PA P.U.C. No 5 and Supplement No. 34 to Tariff Wastewater – PA P.U.C. No. 16 to become effective January 7, 2024. PAWC’s tariffs propose to increase the Company’s total annual operating revenues by approximately \$203.9 million, or approximately 20.2% (\$199.2 million from water operations and \$4.7 million from wastewater operations), over PAWC’s annualized total revenues at present rates including Distribution System Improvement Charge (DSIC) revenue for the fully projected future test year (FPFTY), July 1, 2024 through June 30, 2025. On December 21, 2023, the Public Utility Commission (Commission) suspended the effective date of the proposed tariffs to August 7, 2024.

The Consumer Advocate is empowered to represent the interests of consumers before the Commission, pursuant to Act 161 of the General Assembly, as amended, 71 P.S. §§ 309-1, *et seq.* The Consumer Advocate filed Formal Complaints in this matter to ensure that the Commission

fully and fairly adjudicates issues pertaining to whether the Company's existing and proposed rates – and all rate policy changes – are just, reasonable, not unduly discriminatory, and otherwise lawful.

PAWC serves 779,292 water and wastewater customers located in 37 counties across Pennsylvania.

- The Company provides water service to approximately 681,707 customers in portions of Adams, Allegheny, Armstrong, Beaver, Berks, Bucks, Butler, Centre, Chester, Clarion, Clearfield, Clinton, Columbia, Cumberland, Dauphin, Fayette, Indiana, Jefferson, Lackawanna, Lancaster, Lawrence, Lebanon, Luzerne, McKean, Monroe, Montgomery, Northampton, Northumberland, Pike, Schuylkill, Susquehanna, Union, Warren, Washington, Wayne, Wyoming, and York Counties.
- The Company also provides wastewater service to approximately 97,585 customers in portions of Adams, Allegheny, Beaver, Berks, Butler, Chester, Clarion, Cumberland, Lackawanna, Lancaster, Luzerne, McKean, Monroe, Montgomery, Northumberland, Pike, Washington, and York Counties.

For water service, according to the Company's customer notices provided as part of the filing, if the Company's entire request is approved as filed, a residential water customer using 3,201 gallons per month would see increases in their monthly bill ranging by Rate Zone between approximately 25% to 64%, a proposed increase that the OCA contends is likely unjust and unreasonable. The following table, which was contained in the OCA's Formal Complaint, shows the details by Rate Zone:

Water Bills for Residential Customers Based on 3,201 gallons per month usage					
Current Rate Zone	Service Area	Present Rate	Proposed Rate	\$ Increase	% Increase
1	All except as designated	\$70.65	\$88.24	\$17.59	24.9%
2	Valley Township	\$53.92	\$88.24	\$34.32	63.6%
3	SLIBCO*	\$488.47	\$439.77	-\$48.70	-10.0%
4	Turbotville Borough	\$70.65	\$88.24	\$17.59	24.9%
5	Borough of Steelton and portions of Swatara Township	\$70.65	\$88.24	\$17.59	24.9%
n/a	Lower Providence Township (formerly Audubon Water Company)	\$44.39	\$53.32	\$8.93	20.1%
n/a	Farmington Township	\$67.50	\$88.24	\$20.74	30.7%
*There are only commercial customers in the SLIBCO service area currently, but the rate schedule applies to residential customers should they come into existence.					

The proposed water rate changes noted above do not reflect the changes that will be experienced by all customers; rather, they only reflect changes for customers using what PAWC has asserted to be the “typical” usage for residential customers, or the 3,201 gallons per month. In the OCA’s experience, the increases reflected on the Company’s notices sent to customers often underestimate the impact of the rate increase for many customers. The projected impact for residential, commercial, industrial, and other classes of customers (including customers charged flat rates) at all usage levels, can be found in Exhibits 10-A through 10-E of the Company’s filing. They are attached, in relevant part, to the OCA’s Formal Complaint for reference.

Additionally, the Company proposes to consolidate certain rate zones for water and wastewater. The Company proposes to move current water Rate Zones 2, 3, 4, and 5 to Rate Zone 1, and to charge a uniform \$20 customer charge for Rate Zones 1 and 2. That would increase customer charges for the majority of residential PAWC water customers by \$2.50 per month (14.3%), from the current rate of \$17.50 to the proposed rate of \$20, a rate increase the OCA

contends is likely unjust and unreasonable. The following table, which was contained in the OCA's Formal Complaint, presents the details:

Water Residential Customers Fixed Customer Charge for Metered Usage							
Present Rate Zone	Present Service Area	Present Customer Charge	Proposed Rate Zone	Proposed Service Area	Proposed Customer Charge	\$ Increase	% Increase
1	All except as designated	\$17.50	1	All except as designated. Company proposes to move the present Rates Zones 2, 3, 4, and 5 to the new Rate Zone 1.	\$20	\$2.50	14.3%
2	Valley Township	\$28.12	1		\$20	-\$8.12	-28.9%
3	SLIBCO*	\$63.55	1		\$20	-\$43.55	-68.5%
4	Turbotville Borough	\$17.50	1		\$20	\$2.50	14.3%
5	Borough of Steelton and portions of Swatara Township	\$17.50	1		\$20	\$2.50	14.3%
		n/a	2	Farmington Township**	\$20	\$20	100%
		\$16.80	3	Township (formerly Audubon Water Company)	\$16.80	\$0	0%

*There are only commercial customers in the SLIBCO service area currently, but the rate schedule applies to residential customer should they come into existence.

**Customers in Farmington were previously charged a flat monthly rate of \$67.50 per EDU. For metered service, the Company is proposing a fixed customer charge of \$20.

For wastewater service, according to the Company's customer notices provided as part of the filing, if the Company's entire request is approved as filed, a residential wastewater customer using 3,122 gallons of water per month would see increases to their monthly bill ranging by Rate Zone between approximately 3% to 121%, although some customers in certain Rate Zones would see a decrease by approximately 5%. The OCA contends that the proposed rate increases and decreases are likely unjust and unreasonable. The following table, which was contained in the OCA's Formal Complaint, shows the details by Rate Zone:

Wastewater Bills for Residential Customers Based on 3,122 gallons per month usage					
Current Rate Zone	Service Area	Present Rate	Proposed Rate	\$ Increase	% Increase
1	All except as designated	\$105.18	\$100.08	-\$5.10	-4.8%
2	New Cumberland Borough	\$91.77	\$100.08	\$8.31	9.1%
3	City of Scranton and Borough of Dunmore	\$95.78	\$95.78	\$0.00	0%
4	Kane Borough	\$106.70	\$109.76	\$3.06	2.9%
5	Valley Township	\$105.18	\$100.08	-\$5.10	-4.8%
6	City of McKeesport	\$105.18	\$109.76	\$4.58	4.4%
7	York County (portions)* (formerly York City Sewer Authority)	\$28.82	\$63.78	\$34.96	121.3%
8	Foster Township**	\$85.92	\$100.00	\$14.08	16.4%
9	Royersford Borough	\$49.68	\$64.18	\$14.50	29.2%
n/a	Farmington Township	\$53.50	\$62.15	\$8.65	16.2%
n/a	Butler Area Sewer Authority (BASA)***	\$45.99	\$74.25	\$28.26	61.4%
n/a	Brentwood Borough	\$75.01	\$83.25	\$8.24	11.0%
n/a	Sadsbury Township	\$128.33	\$128.33	\$0.00	0%
*Company is requesting that the current York wastewater rates not increase until May 27, 2025, consistent with PAWC's agreement to freeze rates until then.					
**Company is requesting that the current Foster wastewater rates not increase until January 1, 2025, consistent with the PAWC's agreement to freeze rates until then.					
***Company is requesting that the current BASA wastewater rates not increase until one year from the acquisition closing or January 1, 2025, whichever is later, consistent with PAWC's agreement with BASA.					

Similar to the statement above for water service, the proposed wastewater rate changes noted above do not reflect the changes that will be experienced by all customers; rather, they only reflect changes for customers using what PAWC has asserted to be the “typical” usage for residential customers, or the 3,122 gallons per month. In the OCA’s experience, the increases reflected on the Company’s notices sent to customers often underestimate the impact of the rate increase for many customers. The projected impact for residential, commercial, industrial, and other classes of customers (including customers charged flat rates) at all usage levels, can be found

in Exhibits 10-A through 10-E of the Company's filing. They are attached, in relevant part, to the OCA's Formal Complaint for reference.

Additionally, the Company proposes to consolidate and restructure rate zones for wastewater by establishing Rate Zone 1 for sanitary sewer service (SSS), Rate Zone 2 for combined sewer service (CSS), and Rate Zone 3 for collection-only service (Brentwood). The Company proposes to charge a uniform \$20 residential customer charge in Rate Zones 1, 1a-1e, and Rate Zone 2. That would increase fixed customer charges for the majority of residential PAWC wastewater customers by \$5.70 per month (39.9%), from the current rate of \$14.30 to the proposed rate of \$20, a rate increase the OCA contends is likely unjust and unreasonable. The following table, which was contained in the OCA's Formal Complaint, presents the details:

Wastewater Residential Customers Fixed Customer Charge for Metered Usage						
<u>Present Service Area</u>	Present Rate Zone	Present Customer Charge	Proposed Rate Zone	Proposed Customer Charge	\$ Increase	% Increase
All except as designated	1	\$14.30	1	\$20	\$5.70	39.9%
New Cumberland Borough	2	\$14.30	1	\$20	\$5.70	39.9%
City of Scranton and Borough of Dunmore	3	\$19.50	2a	\$19.71	\$0.21	1.1%
Kane Borough	4	\$40	2	\$20	-\$20	-50.0%
Valley Township	5	\$14.30	1	\$20	\$5.70	39.9%
City of McKeesport	6	\$14.30	2	\$20	\$5.70	39.9%
York County (portions)* (formerly York City Sewer Authority)	7	\$18	1b	\$20	\$2	11.1%
Foster Township	8	flat charge \$85	1c	flat charge \$100	\$15	17.6%
Royersford Borough	9	\$48	1a	\$20	-\$28	-58.3%
<u>New Service Area</u>						
Farmington Township**	n/a	n/a	1e	\$20	\$20	100%
Butler Area Sewer Authority (BASA)***	n/a	\$0	1d	\$10	\$10	100%
Brentwood Borough****	n/a	\$4.57	3	\$10	\$5.43	118.8%
Sadsbury Township	n/a	unmetered flat charge \$128.33	1e	unmetered flat charge \$128.33	\$0	0%
Under Company's proposal, Rate Zone 1 is Sanitary Sewer System service, Rate Zone 2 is Combined Sewer System service, and Rate Zone 3 is Collection-only service.						
*Company is requesting that the current York wastewater rates not increase until May 27, 2025, consistent with PAWC's agreement to freeze rates until then. Effective May 27, 2025, Company is proposing to raise the customer charge to \$20.						
**Customers in Farmington were previously charged a flat monthly rate of \$53.50 per EDU. For metered service, the Company is proposing a fixed customer charge of \$20.						
***Company is proposing that no customer charge be applied effective at the acquisition date and further proposes that a \$10 customer charge become effective the later of the first anniversary of the acquisition closing or January 1, 2025.						
****Company is proposing that a \$4.57 customer charge be applied effective at the acquisition date and further proposes that a \$10 customer charge become effective on the 2nd anniversary of the acquisition date.						

II. ISSUES AND SUB-ISSUES

Based upon a preliminary analysis of PAWC's base rate filing, the OCA has compiled a list of issues and sub-issues, which it anticipates will be included in its investigation of PAWC's rate request. It is anticipated that other issues may arise and may be pursued once the answers to all of the OCA's interrogatories have been received and analyzed. The OCA also anticipates that additional discovery and/or informal discovery meetings can be scheduled to narrow the scope of additional information requests. Once the discovery process is complete, the OCA will file direct testimony which will set forth the specific issues it will address in this proceeding. At that time, the OCA will also make and quantify its specific recommendations.

The issues and sub-issues set forth below, and others that may develop during discovery, will be analyzed and presented as appropriate by the OCA with the assistance of its expert witnesses:

A. Rate of Return

1. The OCA will perform a detailed analysis of the 10.95% cost of common equity claimed by PAWC as well as the overall rates of return of 8.22% for water operations and 7.94% for wastewater operations as claimed by the Company. Also, the OCA will carefully examine the Company's methodologies and supporting data used to develop its final cost of common equity claim.

2. The OCA will examine whether the capital structure proposed by PAWC is representative of the period in which rates will be in effect and is otherwise appropriate for ratemaking purposes.

3. The OCA will examine the embedded cost of debt claimed by PAWC to determine whether it is reasonable and appropriate for ratemaking purposes.

4. The OCA will examine whether any company-specific adjustments proposed by PAWC are justified.

5. The OCA will examine the impact of PAWC's proposed alternative ratemaking mechanisms on its risk profile.

B. Rate Base/ Measure of Value

1. The OCA will examine the reasonableness and accuracy of PAWC's projections related to the water/wastewater utility plant in service at the time relevant to this proceeding.

2. The OCA will review the Company's claim for plant additions during the FPFTY.

3. The OCA will investigate whether the Company's adjustment to rate base for depreciation reserve is appropriate.

4. The OCA will examine the Company's projections of non-investor supplied funds, including but not limited to, customer deposits, customer advances for construction, and contributions in aid of construction.

5. The OCA will examine the Company's proposal to include unamortized balances in rate base.

6. The OCA will examine the Company's claim for materials and supplies.

7. The OCA will examine the Company's calculation and amount of cash working capital.

8. The OCA will examine claims related to PAWC's acquisitions, including potential acquisitions that are included in its filing, and determine how acquisitions that have not been completed should be treated for rate base purposes. Additionally, the OCA will examine issues to ensure that the acquisition adjustments reflected in the filings comply with the requirements set forth in Section 1327 and Section 1329 of the Public Utility Code, as applicable. The OCA will examine issues related to deferred capital expenses related to acquisitions and potential acquisitions. The OCA will examine the Company's claims related to the ratemaking treatment of deferred depreciation and Allowance for Funds Used During Construction (AFUDC).

9. The OCA intends to examine the reasonableness and accuracy of the Company's claimed valuation of its investment.

10. The OCA will examine the reasonableness and lawfulness of rate base claims for amounts paid to affiliates, in accordance with Section 2101 of the Public Utility Code. 66 Pa. C.S. § 2101 *et seq.*

11. The OCA will examine the Company's Accumulated Deferred Income Tax (ADIT) balances and excess ADIT balances.

C. Revenues and Expenses

1. The OCA will examine whether the projected number of customers at the time periods relevant to this proceeding is reasonable and accurate.

2. The OCA will examine whether the Company's estimates of the volume of water to be sold during future periods is reasonable and accurate.

3. The OCA will examine whether the Company's projections of revenues in the future periods are reasonable and accurate including, but not limited to, its billed days adjustments, metered water sales and the impact of conservation measures, and miscellaneous revenue adjustments.

4. The OCA will examine whether the Company's projections of number of employees, overtime, and incentive pay is reasonable and accurate.

5. The OCA will examine the costs associated with the accrual of retirement benefits other than pensions for the Company's employees or contributions to pension funds. The OCA will further examine the Company's proposed Pension and OPEB tracker and Deferral Mechanism, which would allow it to adjust rates to reflect differences that occur between base rate cases in the annual amount of Pension and OPEB accounts expense reflected in base rates and the actual annual amount of Pension and OPEB accounts expense the Company incurs. The OCA will review this proposal to determine if it meets all legal requirements and sound ratemaking principles.

6. The OCA will review the Company's request for Commission approval of deferred accounting treatment of production costs/expenses to reflect differences that occur between base rate cases in the annual amount of production cost accounts expense reflected in base rates and the actual annual amount of product cost accounts expense the Company incurs. The OCA will review this proposal to determine if it meets all legal requirements and sound ratemaking principles.

7. The OCA will examine the justness and reasonableness of the Company's Employee Healthcare Expense.

8. The OCA will examine the appropriateness of the Company's pro forma claim for rate case expense.

9. The OCA will examine the reasonableness of the Company's proposed purchased water expense claims.

10. The OCA will examine the reasonableness of the Company's proposed purchased power expense claims.

11. The OCA will examine the Company's proposed Deferred Accounting treatment for its production (purchased water and purchased power) expenses.

12. The OCA will examine the Company's request for depreciation expenses to determine whether it is just and reasonable.

13. The OCA will examine the justness and reasonableness of the Company's justification and amortization of new acquisition adjustments.

14. The OCA will examine the justness and reasonableness of the Company's claim for insurance costs.

15. The OCA will examine the justness and reasonableness of the Company's proposed expense amortizations.

16. The OCA will examine the justness and reasonableness of the Company's claim for regulatory commission costs.

17. The OCA will examine the justness and reasonableness of the Company's claims for other operations and maintenance expenses and the details of the Company's Miscellaneous Expense Adjustment.

18. The OCA will examine the justness and reasonableness of the Company's claims for Service Company expenses.

19. The OCA will examine the justness and reasonableness of the Company's claimed rate case normalization period.

20. The OCA will examine the allocation of costs between water and wastewater operations.

21. The OCA will examine how the cost savings identified in the recently completed Management and Operations Audit should be reflected.

22. The OCA will examine claims related to PAWC's acquisitions, including potential acquisitions that are included in its filing, and determine whether the potential acquisitions are sufficiently certain to occur in the FPFTY in order to justify PAWC's proposed revenue and expense claims in the FPFTY relating to such potential acquisitions.

D. Taxes

1. The OCA will examine issues related to the calculation of taxes including, but not limited to, calculation of federal and state income taxes and the amount of those taxes included as expenses for ratemaking purposes and will examine whether the Company is in compliance including with Act 40 of 2016 (Act 40).

2. The OCA will examine the reasonableness of the Company's proposal regarding the tax repairs deductions, and its claims for income taxes, property taxes, and general assessments.

3. The OCA will examine the effect of the Tax Cuts and Jobs Act on the Company's tax expense and its ADIT accounts and the amount, if any, that needs to be returned to ratepayers as a result.

4. The OCA will examine the Company's level of PURTA and property tax expense.

5. The OCA will examine claims related to PAWC's acquisitions, including potential acquisitions that are included in its filing, and determine whether the potential acquisitions are sufficiently certain to occur in the FPFTY in order to justify PAWC's proposed tax expense claims in the FPFTY relating to such potential acquisitions.

E. Rate Structure/ Cost of Service / Rate Design/ Tariffs/ Alternative Ratemaking

1. The OCA will examine the reasonableness of PAWC's proposed distribution or allocation of the revenue increase among customer classes, ratemaking regions or zones, and types of utility service to determine whether the proposal meets all legal requirements and sound ratemaking principles.

2. The OCA will examine PAWC's cost of service studies, including the methodology used and the reasonableness of the allocations.

3. The OCA will examine PAWC's proposal to allocate a portion of the wastewater cost of service to the combined water and wastewater customer base to ensure that it is consistent with Act 11 of 2012 and that it is just, reasonable and in the public interest.

4. The OCA will examine the reasonableness and appropriateness of the Company's proposed tariff changes, including all proposed surcharges and revenue adjustment mechanisms, as well as all proposed changes in the terms and conditions of service. This includes the Company's existing and proposed Distribution System Improvement Charge (DSIC) mechanism and tariff, the proposed Revenue Decoupling Mechanism (RDM), and the proposed Environmental Compliance Investment Charge (ECIC).

5. The OCA will review PAWC's alternative ratemaking proposal called the ECIC, by which the Company would recover capital costs and expenses claimed to comply with new environmental mandates that are not eligible for recovery under the existing DSIC mechanism and which would effectively shift to consumers the risks associated with recovery that are currently borne by the Company. This proposed automatic recovery of a wide range of capital expenditures may be unjust, unreasonable, and in violation of law; may be contrary to the provisions of prior Commission-approved settlements and orders; and otherwise, may be contrary to sound ratemaking principles and public policy.

6. The OCA will review PAWC's alternative ratemaking RDM proposal which, as proposed, would effectively guarantee the Company's recovery of its authorized revenue requirement and shift to consumers the risks associated with recovery that are currently borne by the Company. The proposed RDM is or may be unjust, unreasonable, and in violation of law; may be contrary to the provisions of prior Commission-approved settlements and orders; and otherwise, may be contrary to sound ratemaking principles and public policy.

7. The OCA will examine whether the proposal to collect costs from the low-income bill discount program only from residential customers is reasonable.

8. The OCA will examine whether the Company's proposed new wastewater rate design where a Residential customer's monthly bill would be computed based on average winter consumption rather than actual water consumption during the summer is reasonable and non-discriminatory.

F. Low-Income Programs

1. The OCA will analyze current and proposed PAWC operations, practices, procedures and outreach related to serving low-income customers.
2. The OCA will examine how PAWC's proposed rate increase, rate structure and proposed new alternative ratemaking, new surcharges, and new winter averaging rate design proposal will affect low-income and/or low-usage customers.
3. The OCA will review the Company's current bill discount programs (BDP) and proposed changes to the program.
4. The OCA will review PAWC's affordability analysis.
5. The OCA will investigate whether PAWC has properly reflected offsets to the costs for its BDP and Arrearage Management Program (AMP).

G. Quality of Service

1. The OCA will review the Company's quality of service to ensure that it is providing safe, adequate, and reliable service, and water that is usable for all household purposes, and that its wastewater service is consistent with the requirements of Section 1501 of the Public Utility Code.
2. The OCA will investigate the water and wastewater quality of service and water and wastewater service complaints by PAWC customers.
3. The OCA will review the Company's program and practices for replacing lead service lines and ensure that the Company is in compliance with previous settlements.
4. The OCA will review the main extensions undertaken by the Company and proposed main extensions.
5. If possible, the OCA will inspect a sampling of PAWC facilities to evaluate operation and maintenance procedures.

H. Customer Service

1. The OCA will review the Company's consumer protection policies and programs in order to ensure compliance with Chapter 14 of the Public Utility Code and Chapter 56 of the Commission's regulations.
2. The OCA will examine the Company's customer service, including performance trends, internal training, management oversight, policies, and programs.
3. The OCA will examine the Company's consumer education programs, particularly with regard to changes in billing and collection rights and remedies, and complaint processes.
4. The OCA will examine the Company's compliance and reporting as required in the

last rate case concerning service and service quality.

5. The OCA will examine the Company's request for management performance and rate of return in light of the Company's customer service performance.

6. The OCA will examine the Company's response to the most recent Management Audit.

I. Other Issues

1. The OCA will examine any relevant environmental issues that arise as a result of the Company's operations.

2. The OCA will investigate to ensure that the Company is complying with all prior orders.

3. The OCA will examine other issues affecting the Company's revenue requirements, rates, charges, and other tariff provisions as they are identified through discovery.

III. WITNESSES

The OCA intends to present the direct, rebuttal, and surrebuttal testimony, as may be necessary, of the following expert witnesses in this proceeding. Each witness will present testimony in written form and will also attach various exhibits, documents, and explanatory information which will assist in the presentation of the OCA's case. In order to expedite the resolution of this proceeding, the OCA requests that, in addition to mailing copies to OCA counsel, parties send copies of all interrogatory answers and testimony directly to the expert witness(es) responsible for the appropriate area of the case. The OCA also requests that CDs/thumb drives containing any interrogatory responses be mailed directly to the applicable expert witness.

Regulatory Policy Issues:	Christine Maloni Hoover Office of Consumer Advocate 555 Walnut Street 5 th Floor, Forum Place Harrisburg, PA 17101-1923 OCAPAWC2023@paoca.org
Accounting/Revenue Requirement:	Ralph Smith Larkin & Associates, PLLC 15728 Farmington Road Livonia, MI 48154 OCAPAWC2023@paoca.org
Rate Design/Cost Allocation/ Alternative Rate Design:	Jerry Mierzwa Exeter Associates, Inc. 10480 Little Patuxent Pkwy, Suite 300 Columbia, MD 21044-3575 OCAPAWC2023@paoca.org
Rate of Return/Capital Structure:	David Garrett Resolve Utility Consulting PLLC 101 Park Avenue, Suite 1125 Oklahoma City, OK 73102 OCAPAWC2023@paoca.org
Low-Income Programs/Affordability:	Roger D. Colton Fisher, Sheehan & Colton 34 Warwick Road Belmont, MA 02478 OCAPAWC2023@paoca.org
Quality of Service:	Terry Fought, P.E. 780 Cardinal Drive Harrisburg, PA 17111 OCAPAWC2023@paoca.org
Tariffs/Customer Service:	Barbara R. Alexander 44 Beech St. Hallowell, ME 04347 OCAPAWC2023@paoca.org

The OCA specifically reserves the right to call additional witnesses, as necessary. All parties of record will be notified as soon as the OCA has determined whether an additional witness or witnesses will be necessary for any portion of its case.

IV. EVIDENCE

The OCA will rely on the direct, rebuttal, and surrebuttal testimony of its expert witnesses as well as the testimony of other parties to the proceeding. The OCA will also present relevant exhibits to support its own testimony, including but not limited to, materials obtained from the Company through discovery and cross-examination.

V. PUBLIC INPUT HEARINGS

Because of the magnitude of the proposed changes and the public interest in these proceedings, the Office of Consumer Advocate respectfully requests that the Commission hold both in person and telephonic public input hearings. The OCA is aware of legislative requests for in-person public input hearings in the Exeter Township and Scranton areas. Requests by Senator Schwank and Representatives from the Northeast Delegation are attached as Appendix B. Representatives for the City of Scranton also requested an in-person hearing in their area based on the volume of complaints received from their constituents. Also, the OCA has tracked the location of informal and formal complaints available to the OCA to date, and prepared the map attached as Appendix A. The map shows that, in addition to Exeter Township and Scranton, Pittsburgh and Harrisburg have particularly high numbers of formal and informal complaints. As such, and due to the many complaints filed statewide against the proposed rate increases,¹ the OCA requests that eight public input hearings be held. The OCA requests that four hearings be held in person, in the Exeter Township, Scranton, Harrisburg and Pittsburgh areas, and that four be telephonic. The OCA will work with the Presiding Officers, parties, and Commission staff to coordinate scheduling and identify specific venues for the in-person hearings. If necessary, the OCA is able to use its call center staff to register PAWC consumers who want to participate.

¹ As of December 27, 2023, the OCA reviewed 174 formal complaints and 471 informal complaints filed with the Commission against PAWC's November 2023 rate filings.

The OCA also requests that the Company be directed to extensively advertise these public input hearings. Newspaper notice must be advertised in the general readership sections of local newspapers, not in the legal section. Other methods of informing its customers of the public input hearings, including social media and the Company's website, should be utilized as well.

In addition, the OCA requests the other parties involved in the proceeding be permitted to review these public input announcements prior to their publication and distribution and have input into which publications the ads are placed.

VI. SERVICE ON THE OCA

The OCA will be represented in this case by Senior Assistant Consumer Advocates Erin L. Gannon and Melanie J. El Atieh and Assistant Consumer Advocates David T. Evrard, Christopher M. Andreoli, and Andrew J. Zerby. The OCA has created a group e-mail address provided below. This is the only email address that is required for service on the OCA; it will provide the emailed materials to all members of the OCA team including the consultants listed above. The OCA will not be providing service via mail and does not expect other parties to serve the OCA by mail. All documents should be served on the OCA by email as follows:

Erin L. Gannon, Senior Assistant Consumer Advocate
Melanie J. El Atieh, Senior Assistant Consumer Advocate
David T. Evrard, Assistant Consumer Advocate
Christopher A. Andreoli, Assistant Consumer Advocate
Andrew J. Zerby, Assistant Consumer Advocate
OCAPAWC2023@paoca.org

The OCA requests that service by email by 4:30 p.m. on the due date will satisfy the in-hand service requirement, without the need for follow-up hard copies.

During the prehearing conference, Erin Gannon will speak as lead attorney for the OCA.

VII. PROPOSED SCHEDULE

The OCA proposes that at least two days of evidentiary hearings should be scheduled. As discussed in the prior Section, the OCA requests that email distribution will satisfy all in-hand service dates contained in the schedule.

Given the size of the proposed increase and multitude of issues presented by the rate filings, it is necessary for the schedule adopted in this proceeding to provide sufficient time for development of non-Company direct testimony. The OCA proposes a schedule reflecting a reasonable compromise of competing interests with a direct testimony due date of February 2, 2024. The OCA also supports a schedule with a later due date for direct testimony but seeks to ensure there is adequate time to prepare surrebuttal testimony, which the OCA anticipates will be required for most or all of its eight witnesses.

The OCA's proposed schedule is attached as Appendix C.

VIII. DISCOVERY

The OCA's proposed modifications to the Commission's discovery regulations are attached as Appendix D. The OCA believes that these modifications will assist the parties in clarifying and narrowing issues and developing a complete record for the Commission. The shortened timeframes are reasonable and appropriate given the shortened timeframe for litigation caused by the timing of the Company's filing and scheduled Public Meetings. Additionally, the OCA respectfully requests that, if adopted, the proposed modifications: (1) take effect on the date of the Prehearing Conference and (2) apply to pending discovery served on and after December 27, 2023.

IX. SETTLEMENT

The OCA is willing to participate in settlement discussions.

Respectfully submitted,

/s/ Erin L. Gannon

Erin L. Gannon
Senior Assistant Consumer Advocate
PA Attorney ID # 83487
EGannon@paoca.org

Melanie J. El Atieh
Senior Assistant Consumer Advocate
PA Attorney ID # 209323
MElAtieh@paoca.org

David Evrard
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DEvrard@paoca.org

Christopher M. Andreoli
Assistant Consumer Advocate
PA Attorney ID # 85676
CAndreoli@paoca.org

Andrew Zerby
Assistant Consumer Advocate
PA Attorney ID # 332222
AZerby@paoca.org

Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
717-783-5048

Counsel for:
Patrick M. Cicero
Consumer Advocate

DATED: December 28, 2023

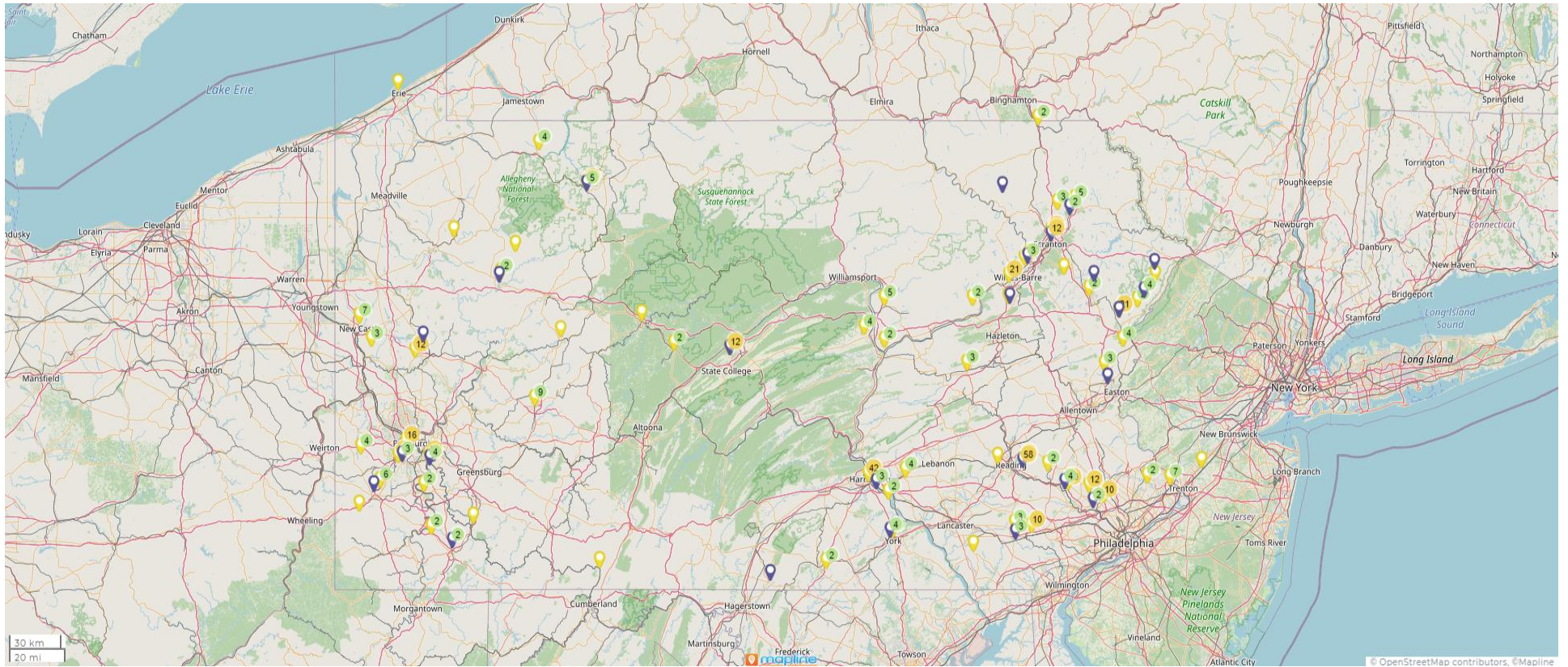
APPENDIX A

Location of Formal And Informal Complaints

Total complaint counts: 174 formal complainants and 471 informal complaints.

The four areas currently showing higher levels of complaint activity are:

- Reading/Exeter Township
- Scranton/Wilkes-Barre/surrounding areas
- Pittsburgh area
- Harrisburg/Mechanicsburg/Hershey

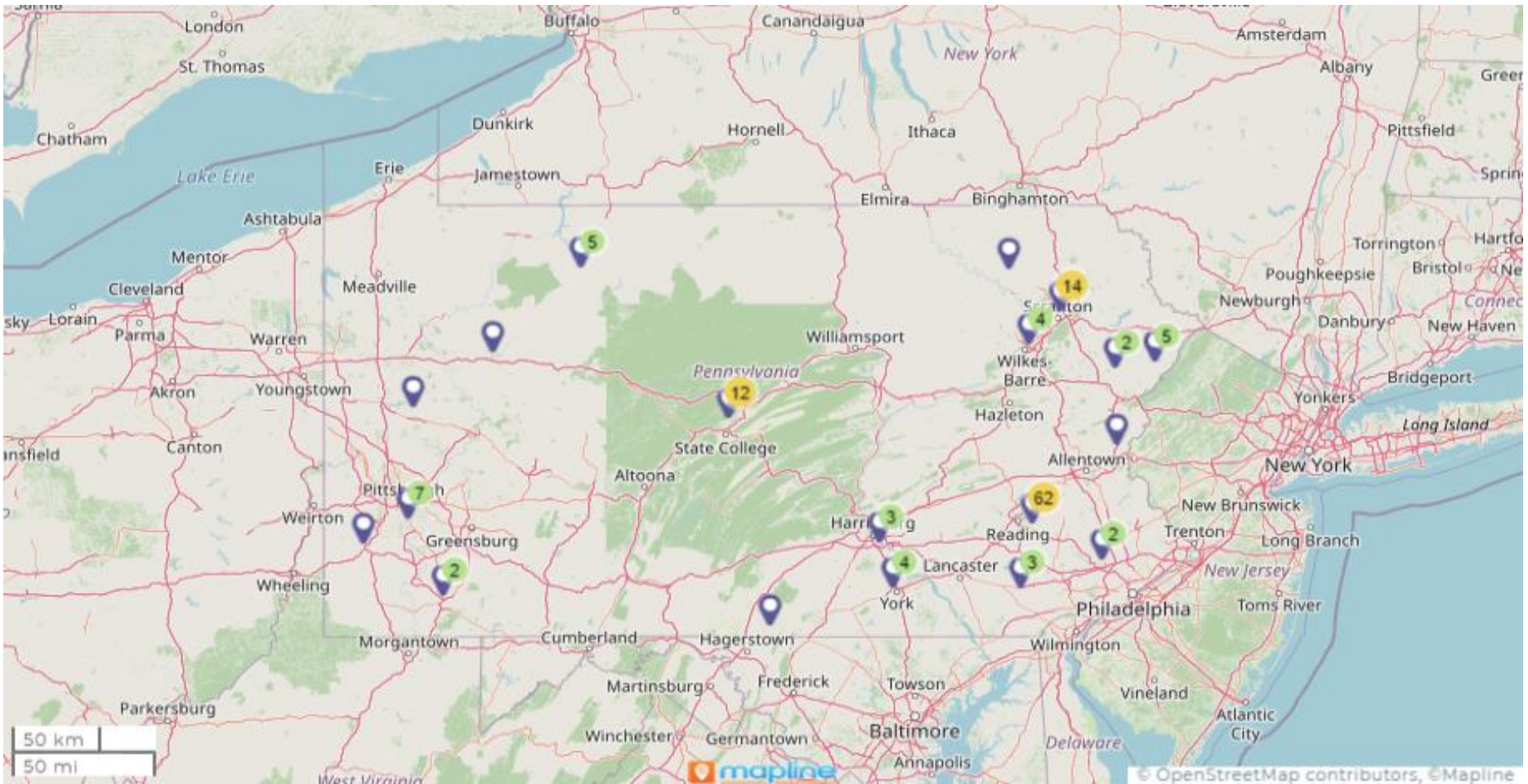


Pennsylvania American Water Company Formal and Informal Complaint Pins

 FORMAL COMPLAINTS

 INFORMAL COMPLAINTS

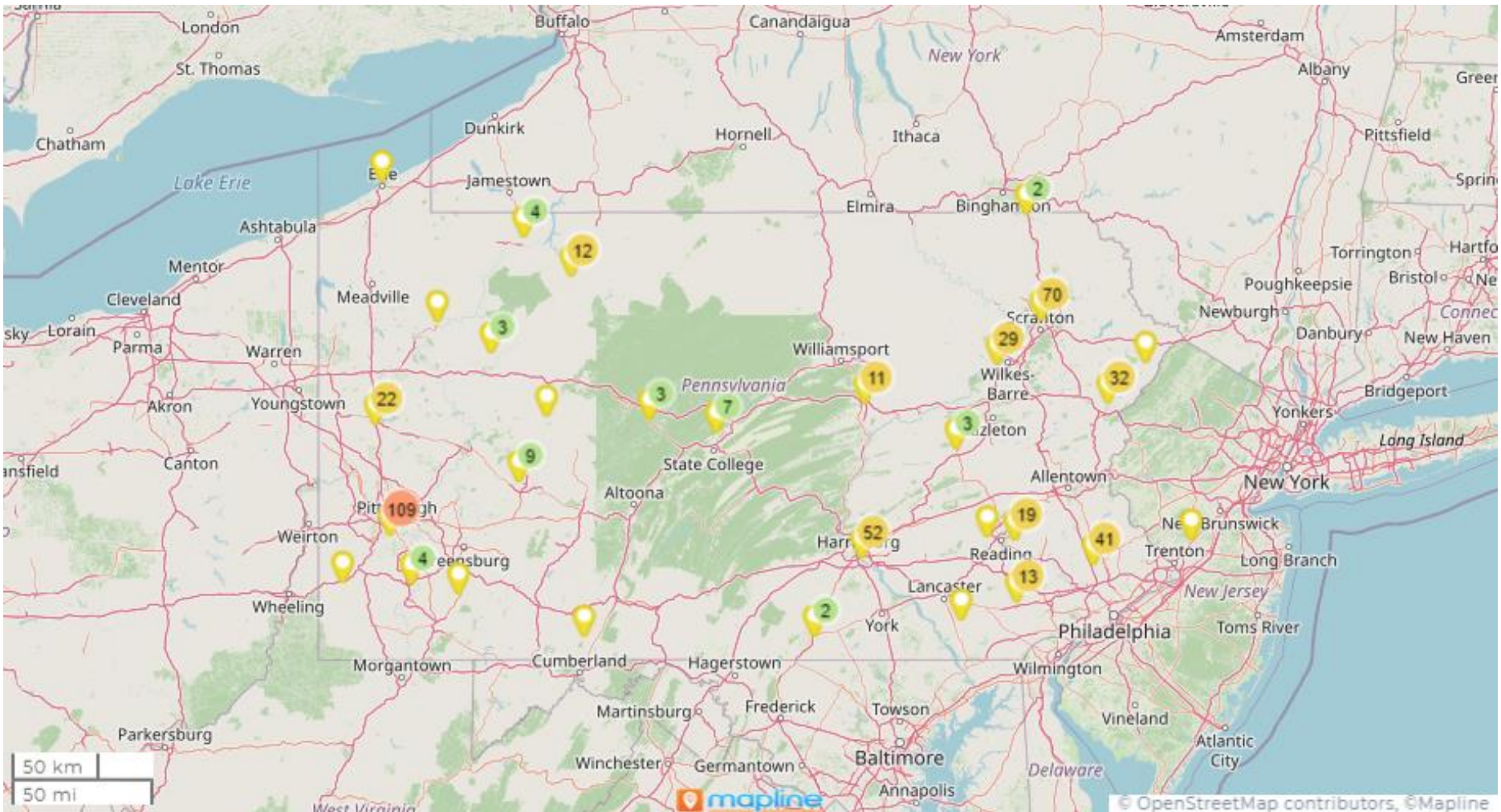
The numbered green and yellow circles show there is more than one formal or informal complaint in an area:
 green = 1 to 10 complaints
 yellow = 11 to 100 complaints



Pennsylvania American Water Company Formal Complaint Pins

 FORMAL COMPLAINTS

The numbered green and yellow circles show there is more than one formal complaint in an area:
 green = 1 to 10 formal complaints
 yellow = 11 to 100 formal complaints



Pennsylvania American Water Company Informal Complaint Pins

 **INFORMAL COMPLAINTS**

The numbered green, yellow, and orange circles show there is more than one informal complaint in an area:
 green = 1 to 10 informal complaints
 yellow = 11 to 100 informal complaints
 orange = more than 101 informal complaints

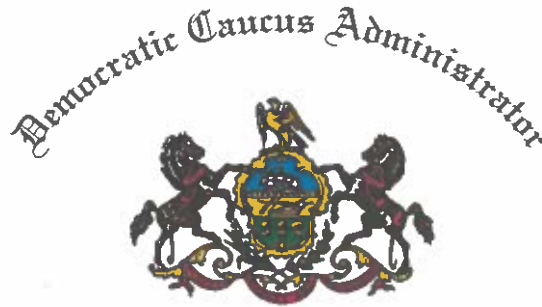
APPENDIX B

Legislative Requests for In-Person Public Input Hearings

11TH DISTRICT
STATE SENATOR
JUDITH L. SCHWANK
SENATE BOX 203011
HARRISBURG, PA 17120-3011
717-787-8923
FAX: 717-772-0578

210 GEORGE STREET
SUITE 201
READING, PA 19605
610-929-2151
FAX: 610-929-2576

EMAIL: senatorschwank@pasenate.com
WEBSITE: www.SenatorSchwank.com



COMMITTEES
AGRICULTURE & RURAL AFFAIRS,
DEMOCRATIC CHAIR
AGING & YOUTH
APPROPRIATIONS
GAME & FISHERIES
HEALTH & HUMAN SERVICES
PENNSYLVANIA STATE SYSTEM
OF HIGHER EDUCATION,
BOARD OF GOVERNORS

Senate of Pennsylvania

December 7, 2023

J.J. Livingston
Public Utility Commission
400 North Street—Keystone Bldg.
Harrisburg, PA 17120

RE: Pennsylvania American Water Company Proposed Water and Wastewater Rate Increases, PUC Docket Nos. R-2023-3043189 and R-2023-3043190

Dear Mr. Livingston:

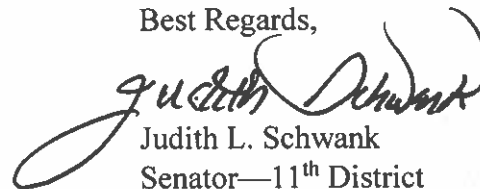
As you are aware, the Pennsylvania American Water Company (PAWC) has filed a request with the Pennsylvania Public Utility Commission (PUC) to once again increase the rates it charges customers for water and wastewater services. Should this request be approved, PAWC would experience an increase in its revenue by \$203 million, or more than 20%.

The rate increases previously sought by PAWC have significantly impacted constituents in my district, particularly in Exeter Township (Berks County). My office has already received numerous calls and emails from constituents with grave concerns about PAWC's latest request. They are worried that another rate increase will place further undue and severe financial hardship on Exeter Township residents, as well as residents in Sinking Spring Borough, Spring Township, and Wyomissing Borough, all of which also receive water services from PAWC.

Before the PUC makes any decision about the proposed rate increase, it is imperative that the voices of the concerned residents in my district are heard. For this reason, I am respectfully requesting that the PUC hold in-person public hearings on the proposed rate increase in Exeter Township. I know my constituents would be grateful for the opportunity to tell the PUC directly about how another rate increase would affect them financially.

Thank you for your consideration of this request. I look forward to hearing back from the PUC about this matter.

Best Regards,



Judith L. Schwank
Senator—11th District

JLS/SAT



Rep. Maureen Madden, Chair

Monroe County

**325 Main Capitol Building
P.O. Box 202115
Harrisburg, PA 17120-2115
(717) 787-5811**

Dec. 19, 2023

Secretary Rosemary Chiavetta
Secretary's Bureau
PA Public Utility Commission
400 North Street
Harrisburg, PA 17120

Re:

Docket Nos. R-2023-3043189 (PAW Water)
R-2023-3043190 (PAW Wastewater)
R-2023-3042804 (CUPA Water)
R-2023-3042805 (CUPA Wastewater)

Dear Secretary Chiavetta,

While members of our Northeast Delegation have separately requested the Pennsylvania Public Utility Commission suspend the recent requests by Pennsylvania American Water Co. and Community Utilities of Pennsylvania to significantly raise their rates so public input hearings can be scheduled in our region of the Commonwealth, we also wanted to write a separate letter outlining our reasons for standing so firmly with the concerned members of our communities.

PA American Water's Nov. 8 request from PUC to approve water rate increases ranging from 25% to 32% for homes, businesses and industries, and Community Utilities of PA's proposed 57% increase filed Nov. 9 impacting 3,200 customers in parts of Northampton, Monroe and Pike counties, are a slap in the face to customers who are already scratching and clawing to pay bills and make ends meet. This is especially true considering PAW asked for a 24.8% hike in water rates in April – and was granted a reduced 14.5% increase by PUC.

We are not naïve to the complexities and the circumstances companies like PAW and CUPA face with the public utility code. We know Pennsylvania features a lot of concerns with old infrastructure and antiquated equipment, which makes implementation of federal rules and regulations difficult.

In no way does this justify a company jacking its rates so substantially that customers are filled with dread and worry about how they can afford such a sudden and extensive rate increase.

Understanding that the PUC's role means considering the public interest of any such decision, our Delegation respectfully asks that common sense and pragmatism are at the forefront of any verdict in response to such excessive rate-increase requests.

The constituents in our respective communities who are rightfully expressing their concerns to us are thoughtful, community-minded people who understand the need to address infrastructure concerns. But not at a cost that quite literally so negatively impacts their own finances.

Thank you for understanding and considering our Delegation's point of view.

CC: J.J. Livingston, Legislative Director, PA PUC

Respectfully,

Members of the Northeast Delegation



Rep. Maureen Madden, Chair

Monroe County

325 Main Capitol Building
P.O. Box 202115
Harrisburg, PA 17120-2115
(717) 787-5811

Rep. Maureen Madden, Chair
115th Legislative District

Rep. Jeanne McNeill, Vice Chair
133rd Legislative District

Rep. Bridget Kosierowski, Secretary/Treasurer
114th Legislative District

Rep. Johanny Cepeda-Freytiz
129th Legislative District

Rep. Kyle Donahue
113th Legislative District

Rep. Robert Freeman
136th Legislative District

Rep. Manuel Guzman
127th Legislative District

Rep. Jim Haddock
118th Legislative District

Rep. Kyle Mullins
112th Legislative District

Rep. Eddie Day Pashinski
121st Legislative District

Rep. Tarah Probst
189th Legislative District

Rep. Mark Rozzi
126th Legislative District

Rep. Steve Samuelson
135th Legislative District

Rep. Mike Schlossberg
132nd Legislative District

Rep. Peter Schweyer
134th Legislative District

Rep. Joshua Siegel
22nd Legislative District

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission	:	Docket Nos. R-2023-3043189 (Water)
v.	:	C-2023- 3044289(Water)
Pennsylvania-American Water Company	:	R-2023-3043190 (Wastewater)
	:	C-2023- 3044292(Wastewater)

PROPOSED PROCEDURAL SCHEDULE
OF THE
OFFICE OF CONSUMER ADVOCATE

The OCA proposes the following schedule, which is a reasonable compromise of the parties’ competing interests within the time afforded for litigation of this matter.

Public Input Hearings: four (4) in person and four (4) telephonic	week of January 22, 2024 and/or week of January 29, 2024
Opposing Party Direct Testimony	February 2, 2024
Opposing Party Supplemental Direct Testimony Regarding Public Input Hearings	May be needed depending on timing of public input hearings and non-Company direct testimony
Rebuttal Testimony (all parties and all issues)	February 20, 2024
Surrebuttal Testimony (all parties and all issues)	March 4, 2024
Written Rejoinder or Outlines	March 6, 2024
Evidentiary Hearings (including oral rejoinder)*	March 7 and 8, 2024
Main Briefs	March 26, 2024
Reply Briefs	April 5, 2024

* The OCA’s accounting witness is not available for evidentiary hearings on March 4, 5 or 6 or March 11, 13 or 14.

The OCA also supports a schedule with a later due date for direct testimony but, in that event, seeks to ensure there is adequate time to prepare surrebuttal testimony, which the OCA anticipates will be required for most or all of its eight witnesses.

For any procedural schedule adopted in this matter, the OCA proposes that at least two days of evidentiary hearings should be scheduled. Also, the OCA requests that email distribution will satisfy all in-hand service dates contained in the schedule, without the requirement for follow-up hard copy.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission : Docket Nos. R-2023-3043189 (Water)
v. : C-2023- 3044289(Water)
Pennsylvania-American Water Company : R-2023-3043190 (Wastewater)
: C-2023- 3044292(Wastewater)

PROPOSED AMENDMENTS TO DISCOVERY REGULATIONS

In conjunction with its proposed schedule, the OCA proposes the following modifications to the Commission’s procedural rules regarding discovery. The OCA requests that the Presiding Officers direct that the modifications will (1) take effect when addressed during the on the record prehearing conference and (2) apply to all future discovery requests, as well as pending discovery requests served within the seven calendar days prior to the January 3, 2024 prehearing conference.

- A. Answers to written interrogatories and requests for document production, entry for inspection, or other purposes shall be served in-hand within ten (10) calendar days of service.
- B. Objections to interrogatories and/or requests for production shall be communicated orally to the propounding party within three (3) calendar days of service of the interrogatories; unresolved objections shall be served in writing to the propounding party within five (5) calendar days of service of the interrogatories and/or requests for production.
- C. Motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within three (3) calendar days of service of written objections.
- D. Answers to motions to dismiss objections and/or answering of interrogatories and/or requests for production shall be filed within three (3) calendar days of service of such motions.
- E. Requests for admissions will be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service.
- F. Answers to on-the-record data requests shall be served in-hand within five (5) calendar days of the requests.

- G. Any discovery or 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 before a holiday will be deemed to have been served on the next business day for purposes of calculating the due date for any responsive filing.

After rebuttal is served, the OCA proposes that the deadlines should be reduced as follows:

- A. Answers to interrogatories and responses to requests for document production, entry for inspection, or other purposes shall be served within five (5) calendar days of service of the interrogatories or requests for production.
- B. Objections to interrogatories and/or requests for production shall be communicated orally to the propounding party within two (2) calendar days of service; unresolved objections shall be served on the propounding party in writing within three (3) calendar days of service of the interrogatories and/or requests for production.
- C. Motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within two (2) calendar days of service of written objections.
- D. Answers to motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within two (2) calendar days of service of such motions.
- E. Requests for admission shall be deemed admitted unless answered or objected to within three (3) calendar days of service.
- F. 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.