

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY : Docket Nos. R-2023-3043189
COMMISSION : R-2023-3043190
: :
vs. : :
: :
PENNSYLVANIA-AMERICAN : :
WATER COMPANY : :

PRE-HEARING MEMORANDUM OF THE BOROUGH OF ST. LAWRENCE,
BERKS COUNTY

KOZLOFF STOUDT
Professional Corporation

By: Joan E. London, Esquire
Attorney I.D. #67934

2640 Westview Drive
Wyomissing, PA 19610
(610) 670-2552
Solicitors for Borough of
St. Lawrence, Berks County

Date: December 28, 2023

On December 22, 2023, a Prehearing Conference Order was issued by Deputy Chief Administrative Law Judge Christopher P. Pell and Administrative Law Judge John M. Coogan setting a Prehearing Conference for Wednesday, January 3, 2024 at 10:00 a.m., and requiring parties to file a Prehearing Memorandum no later than 12:00 p.m. on Thursday, December 28, 2023. The Borough of St. Lawrence, (“Borough”), through its undersigned attorneys, files this Prehearing Conference Memorandum.

I. Background

On November 8, 2023, Pennsylvania-American Water Company (PAWC or the Company) submitted a rate filing, 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, which proposes to increase rates by approximately \$203.9 million, or approximately 20.2%, based on a fully projected future test year ending June 30, 2025. Subsequently, the PUC issued a Suspension Order, which suspends the proposed increase until August 7, 2024.

The Borough of St. Lawrence filed a Formal Complaint to the wastewater rate increase, due to hardship to Borough residents, costing the Borough and ratepayers approximately an additional Five Thousand Five Hundred Dollars (\$5,500.00) if usage remains unchanged, without justification or rational basis, and violative of uniformity requirements, as set forth in the Complaint.

II. Discovery

The Borough of St. Lawrence adopts the position of the Office of Consumer Advocate with respect to discovery.

III. Settlement Discussions

The Borough of St. Lawrence is willing to engage in settlement discussions to resolve or narrow the issues in this proceeding.

IV. Issues Presented

1. St. Lawrence Borough owns and operates the collection system which carries sewage to the Exeter WWTP owned by PAWC. PAWC, like its predecessor, Exeter Township, has no responsibility for the St. Lawrence collection system expenses.

2. There is no rational basis for the rate increase.

3. PAWC has failed to offer justification as to whether the increase is due to expenses for the sewer plant operation or the collection system.

4. There is no basis for St. Lawrence customers to be carrying expenses for the Exeter portion of the collection system, especially where there is Exeter flow through St.

Lawrence's collection system, for which neither PAWC, nor its predecessor, Exeter Township, were ever charged.

5. The rate increase violates uniformity requirements, and amounts to a decrease for Exeter customers at the expense of St. Lawrence customers.

6. The rate increase will result in unjust and unreasonable rates to St. Lawrence customers.

7. The rate increase will create a hardship for St. Lawrence customers.

V. Witnesses and Testimony

The Borough of St. Lawrence expects to present the testimony of the following witnesses:

Robert J. May, P.E., Council President
3540 St. Lawrence Avenue
Reading, PA 19606
E-Mail: rjmay@aol.com

Allison Leinbach, Borough Manager
3540 St. Lawrence Avenue
Reading, PA 19606
E-Mail: aleinbach@ptd.net

The Borough reserves the right to call any witness listed in the Pre-Hearing Memorandum of any party, and reserves the right to amend this designation to add additional witnesses found to have information relevant to the rate increase at issue.

VI. Litigation Schedule

The Borough is in agreement with the schedule proposed in the CAUSE-PA Pre-Hearing Memorandum.

VII. Public Input Hearings

The Borough supports the holding of public input hearings in this matter.

VIII. Service/Representation at Hearing

The Borough is represented by:

KOZLOFF STOUDT
Professional Corporation

Joan E. London, Esquire
2640 Westview Drive
Wyomissing, PA 19610
(610) 670-2552
E-Mail: jlondon@kozloffstoudt.com

Electronic service is acceptable.

KOZLOFF STOUDT
Professional Corporation



Joan E. London, Esquire
2640 Westview Drive
Wyomissing, PA 19610
(610) 670-2552
E-Mail: jlondon@kozloffstoudt.com

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY COMMISSION	:	Docket Nos. R-2023-3043189 R-2023-3043190
	:	
vs.	:	
	:	
PENNSYLVANIA-AMERICAN WATER COMPANY	:	
	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served copies of the Prehearing Memorandum of the Borough of St. Lawrence, Berks County upon the parties of record in the above captioned proceeding in accordance with the requirements of 52 Pa. Code §1.54.

Via Electronic Mail ONLY

Deputy Chief Administrative Law Judge Christopher P. Pell Pennsylvania Public Utility Commission 801 Market Street Philadelphia PA 19107 CPell@pa.gov	Administrative Law Judge John M. Coogan Pennsylvania Public Utility Commission Commonwealth Keystone Building 400 North Street, 2nd Floor West Harrisburg, PA 17120 JCoogan@pa.gov
Elizabeth Rose Triscari, Esquire Teresa K. Harrold, Esquire Erin K. Fure, Esquire Pennsylvania-American Water Company 852 Wesley Drive Mechanicsburg, PA 17055 elizabeth.triscari@amwater.com teresa.harrold@amwater.com erin.fure@amwater.com	Kenneth M. Kulak, Esquire Brooke E. McGlinn, Esquire Catherine Vasudevan, Esquire Mark A. Lazaroff, Esquire Morgan, Lewis & Bockius LLP 1701 Market Street Philadelphia, PA 19103-2921 ken.kulak@morganlewis.com brooke.mcglinn@morganlewis.com catherine.vasudevan@morganlewis.com mark.lazaroff@morganlewis.com
Carrie B. Wright, Esquire	Steven C. Gray, Esquire Rebecca Lyttle, Esquire

<p>Bureau of Investigation & Enforcement Pennsylvania Public Utility Commission Commonwealth Keystone Building 400 North Street, 2nd Floor Harrisburg, PA 17120 carwright@pa.gov</p>	<p>Office of Small Business Advocate 555 Walnut Street 1st Floor, Forum Place Harrisburg, PA 17101 sgray@pa.gov relyttle@pa.gov</p>
<p>Andrew J. Zerby, Esquire David T. Evrard, Esquire Erin L. Gannon, Esquire Melanie J. El Atieh, Esquire Christopher M. Andreoli, Esquire David Evrard Office of Consumer Advocate 555 Walnut Street 5th Floor, Forum Place Harrisburg, PA 17101 AZerby@paoca.org DEvrard@paoca.org EGannon@paoca.org MElAtieh@paoca.org candreoli@paoca.org devrard@paoca.org OCAPA WC2023@gaoca.org</p>	<p>Joseph L. Vullo, Esquire Burke Vullo Reilly Roberts 1460 Wyoming Avenue Forty Fort, PA 18704 jlvullo@bvrrlaw.com</p>
<p>Adam Nemchick 1106 Pepper Ridge Drive Reading, PA 19606 adam.nemchick@yahoo.com</p>	<p>Kirk Spencer 29 Greenwood Hills Drive Mountain Top, PA 18707 kspencer80@hotmail.com</p>
<p>Amanda Johnsen 6106 Pond View Drive Birdsboro, PA 19508 ajohnsen2@gmail.com</p>	<p>Leroy Bumbarger 741 Lincoln Road Birdsboro, PA 19508 amybumbarger@gmail.com</p>
<p>Anne Lockwood & Michael Haehnel 747 Florida Ave York, PA 17404 alockwood039@protonmail.com</p>	<p>Brian A. Gottschall 327 Gibraltar Road Reading, PA 19606 mail@gottschall.org</p>
<p>Mark Henderson 5425 E. Lorane Road Reading, PA 19606 markwh24@ptd.net</p>	<p>Keith Sauer 4824 Farming Ridge Blvd Reading, PA 19606 keith.i.sauer@gmail.com</p>
<p>Jim Davidson</p>	<p>Andrew Kulp</p>

<p>3804 Circle Ave Reading, PA 19606 ifeel4u151@gmail.com</p>	<p>102 Hartline Drive Reading, PA 19606 andrewkulp@comcast.net</p>
<p>Natalie Rarick 785 Lilac Lane Reading, PA 19606 natalierarick@aol.com</p>	<p>Robert K. Ralls 254 Red Haven Road New Cumberland, PA 17070 rralls73@yahoo.com</p>
<p>Richard Tawadros 802 Kennedy Ct. West Norriton, PA 19403-5250 rtawadros@pm.me</p>	<p>L. Scott and Tacy M. Rutherford 60-2 Mint Tier Reading, PA 19606 scotacy@icloud.com</p>
<p>David Ross 171 Scotland Drive Reading, PA 19606 evakoci@hotmail.com</p>	<p>Phyllis Connelly 71 Bushkill Court Reading, PA 19606 phyllisc@ptd.net</p>
<p>Anh Duong 4697 Pheasant Run Reading, PA 19606 Anhduo16@gmail.com</p>	<p>William Cameron and Linda Long 114 Murphy Circle Bushkill, PA 18324 oshundaze@yahoo.com</p>
<p>Kathleen Schwartz 205 Constitution Ave Reading, PA 19606 dixie0418@verizon.net</p>	<p>Alecia M. Lilley 8 Ptarmigan Drive Reading, PA 19606 amlcraft9@gmail.com</p>
<p>Angelica Alvarez 13 N Savanna Dr Pottstown, PA 19465 aalvarez422@gmail.com</p>	<p>Jeff Henry 4621 Hillside Road Reading, PA 19606 jeffhenry1@me.com</p>
<p>Jennifer C Dianna 3307 Orchard View Road Reading, PA 19606-4438 jdianna93@gmail.com</p>	<p>John Miller 12 Elliot Dr Reading, PA 19606 millerjfm722@gmail.com</p>
<p>Lynn Deacosta 4525 Delmar Drive Reading, PA 19606 daisflow@yahoo.com</p>	<p>Lynn Mugno 1102 Strawberry Run Reading, PA 19606 lynnmugno@gmail.com</p>
<p>Matthew J. Miller 4731 Doyle Road</p>	<p>Michelle White 16 Ptarmigan Dr.</p>

Pittsburgh, PA 15227 millema3@verizon.net	Reading, PA 19606 mwarwhite324@gmail.com
Shanna Weagle 1754 Robson Dr Pittsburgh, PA 15241 shannaweagle@gmail.com	Thomas J Hollenbach 311 Lutz Drive Reading, PA 19606 thollenbach@comcast.net
Kurt J. Boehm, Esq. Jody Kyler Cohn, Eq. BOEHM, KURTZ & LOWRY 36 East Seventh Street, Suite 1510 Cincinnati, Ohio 45202 kboehm@bkllawfirm.com jkylercohn@bkllawfirm.com	J. Chadwick Schnee, Esq. Schnee Legal Services, LLC 74 E. Main Street, #648 Lititz, PA 17543 chadwick@tucker-hull-law.com
Joseph Donahue 114 S Highland Dr Pittston, PA 18640 jdon3542@gmail.com	Laura Semel 501 W 1st Ave Parkesburg, PA 19365 laurasemel@yahoo.com
Christopher Blake Skully Rock LLC 133 Constitution Ave Reading, PA 19606 changpinkyyahoo.com	Devon Landis 735 Lilac Ln Reading, PA 19606 Dnlandis2021@gmail.com
Morgan Wengert 5 Nancy Cir Reading, PA 19606 13wengert@gmail.com	Patricia A Finley 28 Bent Brook Circle Reading, PA 19606 finleypatti@gmail.com
Amy E. Dalton n/b/m Amy E Ashcroft 413 W Hemlock Ave Kane, PA 16735 Amkr_dalton@comcast.net	Audrey Gerold 131 Bayard Street Kane, PA 16735 audret.gerold@gmail.com
Carl Kupchunas 1451 Albright Avenue Scranton, PA 18509 carlkup@comcast.net	Carl W Tunall Jr 6103 Route 66 Kane, PA 16735 tbtunall@comcast.net
Carla Seidel 110 Ashley Ave. Reading, PA 19606 Carla.seidel@gmail.com	Cynthia Cabrera 355 West Newton Avenue York, PA 17401 cbugg@hotmail.com

<p>Debora A Sokol 4908 MAYAPPLE LANE READING, PA 19606 dasokol825@yahoo.com</p>	<p>Jay Phillips 73-4 Azalea Way Reading, PA 1 9606 Phillips2478@gmail.com</p>
<p>Jennifer Cohen 4972 Quince Dr Reading, PA 19606 jrudi415@gmail.com</p>	<p>Mary Tanealian 9240 Westwood Drive Coolbaugh Township, PA 18466 mjt919@yahoo.com</p>
<p>Matthew Jordan 5012 Quince Drive Reading, PA 19606 Kale11015@gmail.com</p>	<p>Nicholas Orman 415 Hurst Street Bridgeport, PA 19405 Orman.nick@gmail.com</p>
<p>Richard Peal 5565 Fairway Dr. N. Reading, PA 19606 manadirt@gmail.com</p>	<p>Robert Bifano 121 Falcon Lane Archbald, PA 18403 bbifano@gmail.com</p>
<p>Robert S Anderson 237 Regent Street Bushkill, PA 18324 randerson6@gmail.com</p>	<p>Sean M. Gallagher 110 E. Diamond Street Butler, PA 16001 smgallagher@gallagher.legal</p>
<p>Shaun Keperling 460 Wingspread Court Reading, PA 19606 keperling@ieee.org</p>	<p>Steve Solomon 1402 Gun Club Road Uniontown, PA 15401 nick@seeamericanhomes.com</p>
<p>Tao Lu 1309 Woodlawn Street Dunmore, PA 18509 jeffluhousing@gmail.com</p>	<p>William H. Rissmiller 1006 Hickory Lane Reading, PA 19606 Whr19606@ptd.net</p>
<p>Adeolu A. Bakare, Esq. Charis Mincavage, Esq. McNees Wallace & Nurick, LLC 100 Pine Street P.O. Box 1166 Harrisburg, PA 17108 abakare@wmn.com cmincavage@mcneeslaw.com</p>	<p>Daniel Bergey 4363 Prestwick Dr Reading, PA 19606 Dan09dan@aol.com</p>
<p>Kailie Melchior, Esq.</p>	<p>Richard J. Matijasich</p>

<p>Sean Kilkenny, Esq. Charis Mincavage, Esquire 519 Swede Str. Norristown, PA 19401 kailie@skikennylaw.com sean@skikennylaw.com</p>	<p>128 Limestone Rd. Reading, PA 19606 rmatijasich@msn.com</p>
<p>Nicole Glimp 8 Hearthstone Dr Reading, PA 19606 nglimp@comcast.net</p>	<p>Anthony McCann 115 Lavra Lane Royersford, PA 19468 anthonymccann@aol.com</p>
<p>Thalia Karalis 4421 Green Tree Rd. Reading, PA 19606 thalitsal@yahoo.com</p>	<p>Dr. Mostefa Easa 1831 Pittston Ave Scranton, PA 18505 easaphd@gmail.com</p>
<p>Brian Dugas 10 Monument Ave Wyoming, PA 18644 Briandugas54@gmail.com</p>	<p>Todd Blum 7000 Baptist Rd Bethel Park, PA 15102 toddblum4@gmail.com</p>
<p>Mallory & Glenn Kercher 1113 Stonehenge Dr. Reading, PA 19606 Mallory57@aol.com</p>	<p>Danielle Gabriel 245 Lincoln Hall Rd. Elizabeth, PA 15037 Ddgabrie1913@gmail.com</p>
<p>John P. Dolekary 6751 Smithfield McKeesport, PA 15135 Jpdo11961@gmail.com</p>	<p>Carl & Sharon Winter 52 Emily Ct Reading, PA 19606 Swwinter1@gmail.com</p>
<p>Paul & Catherine Brown I 14 W 36th Street Reading, PA 19606 Ptbrown54@gmail.com</p>	<p>Raymond Volsario 501 Archers Mark East Stroudsburg, PA 18301-9326 Rmv924@gmail.com</p>
<p>Horace R. Battle 3 Roller Drive Steelton, PA 17113 butterdog@comcast.net</p>	<p>Robert M. Nowotarski 830 Woodchuck Lane Reading, PA 19606 Bnowotarski810@gmail.com</p>
<p>Matthew & Melissa Mengel 515 N. 7th Ave Royersford, PA 19468-3307 Melissam3000@yahoo.com</p>	<p>Tracey Cosgrove 16 Prospect Ave, Apt. 1 & 2 Scranton, PA 18505 tcosgrove07@hotmail.com</p>

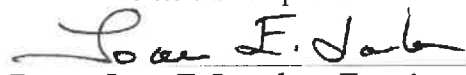
<p>Gary Sirois 4902 Farming Ridge Blvd Reading, PA 19606 garygilmore99@gmail.com</p>	
<p>Michelle Zebrowski 1704 Partridge Run Rd Pittsburgh, PA 15241 Zachz.michellez@gmail.com</p>	<p>Mary Ann Maro 1030 Bennett Street Scranton, PA 18508 maryannmaro@comcast.net</p>
<p>Joel Hernandez 473 Pennsylvania Ave Reading, PA 19606 galtolin@yahoo.com</p>	<p>Dan Nebeker o/b/o Coldwater Lemoyne Carwash 3135 Richmond St Salt Lake City, UT 84106 dan@coldwatercap.com</p>
<p>Mary Chibatar 800 W. 8th Ave Parkesburg, PA 19365 Marydella20@yahoo.com</p>	<p>Marie Sweeney 16 East Saylor Ave Plains, PA 18702 Michael.sweeney806@comcast.net</p>
<p>John J. Heilenman, Jr. 4961 Painted Sky Rd Reading, PA 19606 jjheil@ptd.net</p>	<p>Nicholas Collette 426 Chestnut Way New Cumberland, PA 17070 nickwcollette@hotmail.com</p>
<p>Angela P. Kern 10 Kensington Circle Uniontown, PA 15401 stanzorian@hotmail.com</p>	<p>Dennis McConnell 10 Foxglove Lane Reading, PA 19606 Mtydj48@yahoo.com</p>
<p>James & Peggy Lingwall 118 Oak Ridge Drive Clarion, PA 16214 japlingwall@gmail.com</p>	<p>Wolfram D. Milz 10 Glenmoor Circle Easton, PA 18045 Mosella1@ptd.net</p>
<p>Donald Jones 1428 E. Elm St Scranton, PA 18505 D2p5b75@gmail.com</p>	<p>Marie Dougherty 160I Roosevelt Ave. Dunmore, PA 18512 Mbd1601@gmail.com</p>
<p>Michael & Mary Weishner 420 Country Club Rd. Washington, PA 15301 weishner@gmail.com</p>	<p>Michelle R. Miller 53 Pearl Street Carbondale, PA 18407 Miller18407@gmail.com</p>

<p>Carol Patterson 136 Saunders Dr. Bushkill, PA 18324 136SAUNDERS@gmail.com</p>	<p>Zachary Sprowls 626 Palm St Scranton, PA 18505 sprowlsz@gmail.com</p>
<p>Elizabeth Sprowls 626 Palm Street Scranton, PA 18505 Beth.sprows@gmail.com</p>	<p>Kathleen Donell 30 Knoll Rd Coatesville, PA 19320 abdonell@verizon.net</p>
<p>Catharine Anderson 818 Gibraltar Rd. Reading, PA 19606 Anderson.catharine@yahoo.com</p>	<p>Paul & Eileen Miller 1407 East Locust St. Scranton, PA 18505 paulpacattack@msn.com</p>
<p>Norman T. Carpenter 284 Holyoke Rd Butler, PA 16001 Norm64carpenter@gmail.com</p>	<p>David Duquette 112 Ivy Hill Circle Reading, PA 19606 Dindad32@gmail.com</p>
<p>Wesley Hartman 1416 East Locust St. Scranton, PA 18505 WWHPAINTER@msn.com</p>	<p>Don Anderson 320 Haines Street Kane, PA 16735 Andersondon_08@icloud.com</p>
<p>Melissa Harper 4701 Oley Turnpike Road Reading, PA 19606 Melissamarine1987@yahoo.com</p>	<p>Charles E. Schwering 535 McClane Farm Rd Washington, PA 15301 bethandnoahg@yahoo.com</p>
<p>Beth A. Gandelman 1125 Maple Ave. Washington, PA 15301 bethandnoahg@yahoo.com</p>	<p>Catherine & Kenneth Green 148 Michelle Lane Dingmans Ferry, PA 18328 cgreen@ptd.net</p>
<p>Violet B. Kern 245 Braddock Ave. Uniontown, PA 15401 violetkern@gmail.com</p>	<p>Joan E. London, Esquire Kozloff Stoudt, P.C. 2640 Westview Drive Wyomissing, PA 19610 Counsel for Borough of St. Lawrence jlondon@kozloffstoudt.com</p>
<p>Dalene Hamilton 4231 Lynn Ave. Reading, PA 19606 Daramex1@yahoo.com</p>	<p>Linda Allison 522 Pacific Ave York, PA 17404 xdiver@verizon.net</p>

Mark Coogan 823 Atkinson Circle Hillsborough, NJ 08844 Markcoogan12gmail.com	<u>3ds4us@gmail.com</u> 5405 E. Lorane Rd Reading, PA 19606
Michael D. Fletcher 371 East Baumstown Road Birdsboro, PA 19508 Fletcherm713@gmail.com	Donald D. Dickerson 5405 E. Lorane Rd Reading, PA 19606 3ds4us@gmail.com

Respectfully submitted,

KOZLOFF STOUTD
 Professional Corporation



By: Joan E. London, Esquire
 Attorney I.D. #67934
 2640 Westview Drive
 Wyomissing, PA 19610
 jlondon@kozloffstoudt.com
 (610) 670-2552
 Solicitors for Borough of
 St. Lawrence, Berks County

Date: December 28, 2023