



COMMONWEALTH OF PENNSYLVANIA

January 9, 2024

E-FILED

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Pennsylvania Public Utility Commission v. Community Utilities of Pennsylvania Inc. / Docket Nos. R-2023-3042804 (Water), R-2023-3042805 (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/ Sharon E. Webb

Sharon E. Webb
Assistant Small Business Advocate
Attorney ID No. 73995

Enclosures

cc: Kevin Higgins
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	Docket Nos.
	:	R-2023-3042804 (Water)
v.	:	R-2023-3042805 (Wastewater)
	:	
Community Utilities of Pennsylvania	:	
Inc.	:	
	:	

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

I. INTRODUCTION

The Office of Small Business Advocate (“OSBA”) is authorized to represent the interests of small business consumers 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 this matter is Assistant Small Business Advocate Sharon E. Webb. Please address all correspondence as follows:

Sharon E. Webb
Assistant Small Business Advocate
Office of Small Business Advocate
Forum Place
555Walnut Street, 1st Floor
Harrisburg, Pennsylvania 17101
(717) 783-2525
(717) 783-2831 (fax)
swebb@pa.gov

II. FILING BACKGROUND

On November 9, 2023, Community Utilities of Pennsylvania Inc. (“CUPA” or the “Company”) Water Divisions filed Supplement No. 13 to Tariff Water—Pa. PUC No. 1 (“Supplement No. 13”). CUPA’s proposed Supplement No. 13 seeks approval for rates designed to produce an annual water revenue increase of approximately \$1,449,638 for customers. Also, on April 12, 2021, CUPA Wastewater Divisions filed Supplement No. 11 to Tariff Wastewater—Pa. PUC No. 1 (“Supplement No. 11”). CUPA’s proposed Supplement No. 11 seeks approval for rates designed to produce an annual wastewater revenue increase of approximately \$1,720,070.

The OSBA filed a Notice of Appearance and Complaint at both dockets on November 29, 2023. The OSBA’s Complaint was docketed at C-2023-3044494 (Water), and C-2023-3044528 (Wastewater).

On December 8, 2023, the Office of Consumer Advocate (“OCA”) filed a formal complaint at both dockets.

By Order entered December 21, 2023, the proposed Supplement No. 13 and proposed Supplement No. 11 were suspended by operation of law until August 9, 2024. The Commission ordered an investigation into the lawfulness, justness, and reasonableness of the rates, rules, and regulations contained in the proposed Supplement No.13 and proposed Supplement No. 11.

On December 27, 2023, Notice was issued at both dockets that a telephonic pre-hearing conference was scheduled for January 11, 2024 at 10:00 a.m. before Administrative Law Judges (“ALJ”) Steven K Haas and Alphonso Arnold. ALJ Haas and ALJ Arnold issued a Prehearing Conference Order at both dockets on December 27, 2023.

III. IDENTIFICATION OF WITNESSES AND TENTATIVE ISSUES

Assisting in the development and presentation of the OSBA's case in these proceedings will be:

Mr. Kevin C. Higgins
Principal, Energy Strategies
111 East Broadway, Suite 1200
Salt Lake City, Utah 84111
(801) 355-4365
(801) 521-9142 – Fax
khiggins@energystrat.com

After an initial review of the materials submitted by the Company, the OSBA has identified the following issues:

1. Whether the Company's proposed class revenue allocation for water service is reasonable and appropriate;
2. Whether the Company's proposed rate design for Metered Commercial Service customers is appropriate;
3. Whether CUPA's proposed class revenue allocation for wastewater service is reasonable and appropriate; and
4. Whether CUPA's proposed rate design for wastewater service is appropriate.

The OSBA will participate in the case to assure that the interests of small business customers of the Company are adequately represented and protected.

As appropriate and necessary, the OSBA will investigate and analyze the claims and proposals of the Company and other parties through discovery, through the cross-examination of witnesses appearing for those parties, through the filing of testimony, and through briefing. The OSBA will particularly focus on any issue where the impact on the interests of the Company's small business water and wastewater consumers would be unjustifiably different than, or

disproportionate to, the impact on another class of customers, or otherwise lacking in reasonableness or basic fairness. 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 date¹ as satisfying the in-hand requirement. The OSBA requests that electronic copies be provided to its witness identified above. The OSBA also requests that all parties serve an electronic copy of all interrogatory responses upon the OSBA and the OSBA witnesses identified above.

V. DISCOVERY

The OSBA does not propose any discovery modifications in these proceedings but will work with the parties to develop any mutually agreeable discovery modifications.

VI. SETTLEMENT

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

¹ In accordance with 52 Pa. Code § 1.56(a)(5), documents must be received by 4:30 pm.

VII. HEARING AND BRIEFING SCHEDULE

The OSBA will cooperate with the other parties to develop a procedural schedule.

Respectfully submitted,

/s/ Sharon E. Webb

Sharon E. Webb
Assistant Small Business Advocate
Attorney ID No. 73995

Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, PA 17101

Dated: January 9, 2024

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	Docket Nos.
	:	R-2023-3042804 (Water)
	:	C-2023-3044494
v.	:	R-2023-3042805 (Wastewater)
	:	C-2023-3044528
Community Utilities of Pennsylvania Inc.	:	

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

Harrison W. Breitman, Esquire
Erin L. Gannon, Esquire
Jacob D. Guthrie, Esquire
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101
OCACUPA2023@paoca.org

Whitney E. Snyder, Esquire
Thomas J. Sniscak, Esquire
Phillip D. Demanchick Jr., Esquire
Hawke McKeon & Sniscak LLP
100 North Tenth Street
Harrisburg, PA 17101
wesnyder@hmslegal.com
tjsniscak@hmslegal.com
pddemanchick@hmslegal.com

Scott B. Granger, Esquire
Lisa Gumby
Christine Wilson
DC Patel
Zach Walker
Esysan Sakaya
Pennsylvania Public Utility Commission
Bureau of Investigation & Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
sgranger@pa.gov
lgumby@pa.gov
cswilson@pa.gov
dupatel@pa.gov
zawalker@pa.gov
esakaya@pa.gov

DATE: January 9, 2024

/s/ Sharon E. Webb

Sharon E. Webb
Assistant Small Business Advocate
Attorney I.D. No. 73995