

COMMONWEALTH OF PENNSYLVANIA



PATRICK M. CICERO  
Consumer Advocate

OFFICE OF CONSUMER ADVOCATE  
555 Walnut Street, 5th Floor, Forum Place  
Harrisburg, Pennsylvania 17101-1923  
(717) 783-5048  
(800) 684-6560

 @pa\_oca  
 /pennoca  
FAX (717) 783-7152  
consumer@paoca.org  
www.oca.pa.gov

January 11, 2024

**Via Electronic Mail Only**

The Honorable Christopher P. Pell  
The Honorable John M. Coogan  
Office of Administrative Law Judge  
Pennsylvania Public Utility Commission  
801 Market Street, Suite 4063  
Philadelphia, PA 19107

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

Dear Deputy Chief Judge Pell and Judge Coogan:

Enclosed please find copies of the Office of Consumer Advocate's Motion to Dismiss Objections and Compel Answers to OCA Interrogatories, in the above-referenced proceeding. As this Motion contains **CONFIDENTIAL** material, the **CONFIDENTIAL VERSION** will only be served upon the Company and parties that have executed a non-disclosure certificate. A public version will also be made available.

Copies have been served upon the parties as evidenced by the attached Certificate of Service.

Respectfully submitted,

/s/ Melanie J. El Atieh  
Melanie J. El Atieh  
Senior Assistant Consumer Advocate  
PA Attorney I.D. # 309232  
E-Mail: [MElAtieh@paoca.org](mailto:MElAtieh@paoca.org)

Enclosures:

cc: Rosemary Chiavetta, PUC Secretary  
Certificate of Service

\*4893-4177-9355

CERTIFICATE OF SERVICE

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

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate’s Motion to Dismiss Objections and Compel Answers to Interrogatory 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 11<sup>th</sup> day of January 2024.  
**\* Received Confidential Version**

SERVICE BY E-MAIL ONLY

Carrie B. Wright, Esquire \*  
Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120  
[carwright@pa.gov](mailto:carwright@pa.gov)  
*Counsel for I&E*

Steven C. Gray, Esquire \*  
Rebecca Lyttle, Esquire \*  
Office of Small Business Advocate  
555 Walnut Street  
1<sup>st</sup> Floor, Forum Place  
Harrisburg, PA 17101-1923  
[sgray@pa.gov](mailto:sgray@pa.gov)  
[relyttle@pa.gov](mailto:relyttle@pa.gov)  
*Counsel for OSBA*

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](mailto:elizabeth.triscari@amwater.com)  
[teresa.harrold@amwater.com](mailto:teresa.harrold@amwater.com)  
[erin.fure@amwater.com](mailto:erin.fure@amwater.com)  
*Counsel for PAWC*

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](mailto:ken.kulak@morganlewis.com)  
[brooke.mcglinn@morganlewis.com](mailto:brooke.mcglinn@morganlewis.com)  
[catherine.vasudevan@morganlewis.com](mailto:catherine.vasudevan@morganlewis.com)  
[mark.lazaroff@morganlewis.com](mailto:mark.lazaroff@morganlewis.com)  
*Counsel for PAWC*

SERVICE BY E-MAIL ONLY (continued)

Ria M. Pereira, Esquire \*  
Lauren N. Berman, Esquire \*  
John W. Sweet, Esquire \*  
Elizabeth R. Marx, Esquire \*  
Pennsylvania Utility Law Project  
118 Locust Street  
Harrisburg, PA 17101  
[pulp@pautilitylawproject.org](mailto:pulp@pautilitylawproject.org)  
*Counsel for CAUSE-PA*

Kurt J. Boehm, Esquire  
Jody Kyler Cohn, Esquire  
Boehm, Kurtz, & Lowry  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
[kboehm@bkllawfirm.com](mailto:kboehm@bkllawfirm.com)  
[jkylercohn@bkllawfirm.com](mailto:jkylercohn@bkllawfirm.com)  
*Counsel for Cleveland-Cliffs Steel*

Joseph L. Vullo, Esquire \*  
Burke Vullo Reilly Roberts  
1460 Wyoming Avenue  
Forty Fort, PA 18704  
[jlvullo@bvrrlaw.com](mailto:jlvullo@bvrrlaw.com)  
*Counsel for CEO*

Joan E. London, Esquire  
Kozloff Stoudt, PC  
2640 Westview Drive  
Wyomissing, PA 19610  
[jlondon@kozloffstoudt.com](mailto:jlondon@kozloffstoudt.com)  
*Counsel for Borough of  
St. Lawrence, Berks County*

Jessica Eskra, Esquire  
Katherine Kennedy, Esquire  
City of Scranton Law Department  
340 North Washington Avenue  
Scranton, PA 18503  
[jeskra@scrantonpa.gov](mailto:jeskra@scrantonpa.gov)  
[kkennedy@scrantonpa.gov](mailto:kkennedy@scrantonpa.gov)  
*Counsel for The City of Scranton*  
Lauren M. Burge, Esquire  
Eckert Seamans Cherin & Mellott, LLC  
600 Grant Street  
44<sup>th</sup> Floor  
Pittsburgh, PA 15219  
[lburge@eckertseamans.com](mailto:lburge@eckertseamans.com)  
*Counsel for Victory Brewing Company*

Adeolu A. Bakare, Esquire \*  
Charis Mincavage, Esquire \*  
Ryan Block, Esquire \*  
McNees Wallace & Nurick LLC  
100 Pine Street  
P.O. Box 1166  
Harrisburg, PA 17108-1166  
[abakare@mcneeslaw.com](mailto:abakare@mcneeslaw.com)  
[cmincavage@mcneeslaw.com](mailto:cmincavage@mcneeslaw.com)  
[rblock@mcneeslaw.com](mailto:rblock@mcneeslaw.com)  
*Counsel for PAWLUG*

Sean M. Gallagher, Esquire  
Gallagher Law Group  
110 East Diamond Street, Suite 101  
Butler, PA 16001  
[smgallagher@gallagher.legal](mailto:smgallagher@gallagher.legal)  
*Counsel for Cleveland-Cliffs Steel*

J. Chadwick Schnee, Esquire  
Schnee Legal Services, LLC  
74 E. Main Street, #648  
Lititz, PA 17543  
[chadwick@schneelegal.com](mailto:chadwick@schneelegal.com)  
*Counsel for Exeter Township*

Robert K. Ralls  
254 Red Haven Road  
New Cumberland, PA 17070  
[rralls73@yahoo.com](mailto:rralls73@yahoo.com)

Kyle Donahue  
[kyle.23.donahue@gmail.com](mailto:kyle.23.donahue@gmail.com)

Karen O. Moury, Esquire  
Eckert Seamans Cherin & Mellott, LLC  
213 Market Street  
8<sup>th</sup> Floor  
Harrisburg, PA 17101  
[kmoury@eckertseamans.com](mailto:kmoury@eckertseamans.com)  
*Counsel for Victory Brewing Company*

Erin L. Gannon  
Senior Assistant Consumer Advocate  
Andrew J. Zerby  
Christopher M. Andreoli  
David T. Evrard  
Assistant Consumer Advocates  
[OCAPAWC2023@paoca.org](mailto:OCAPAWC2023@paoca.org)

Dated: January 11, 2024

/s/ Melanie J. El Atieh  
Melanie J. El Atieh  
Senior Assistant Consumer Advocate  
PA Attorney I.D. # 209323  
E-Mail: [MElAtieh@paoca.org](mailto:MElAtieh@paoca.org)

Counsel for:  
Patrick M. Cicero, Consumer Advocate  
Office of Consumer Advocate  
555 Walnut Street  
5<sup>th</sup> Floor, Forum Place  
Harrisburg, PA 17101-1923  
Phone: (717) 783-5048  
Fax: (717) 783-7152

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

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MOTION TO DISMISS OBJECTION AND TO COMPEL  
ANSWER TO INTERROGATORY  
OF THE OFFICE OF CONSUMER ADVOCATE

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**I. INTRODUCTION**

AND NOW, before the Honorable Deputy Chief Administrative Law Judge (ALJ) Christopher P. Pell and the Honorable ALJ John M. Coogan, the Office of Consumer Advocate (OCA) files this Motion to Dismiss Objection and to Compel Answer to Interrogatory (Motion), pursuant to 66 Pa.C.S. § 333(g), 52 Pa. Code §§ 5.103, 5.331, and 5.342(g), and the ALJs' Prehearing Order #1 issued on January 5, 2024, in this proceeding. In this Motion, the OCA requests that the ALJs enter an order that (1) dismisses the written objection filed by Pennsylvania-American Water Company (PAWC or the Company) on January 8, 2024, in this proceeding; and (2) compels PAWC to provide the full and complete information requested in Interrogatory OCA Set 25, Question No. 3, on the grounds that the information sought in Interrogatory OCA-25-3 is relevant. In support thereof, the OCA states as follows:

**II. BACKGROUND**

1. On November 8, 2023, PAWC 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, requesting that the Public Utility Commission (Commission) approve its general rate increase requests that would increase

the Company's total annual operating revenues by approximately \$203.9 million.

2. On December 21, 2023, the Commission suspended the effective date of the proposed tariffs until August 7, 2024, and assigned PAWC's general rate increase requests to the Office of Administrative Law Judge for proceedings and a Recommended Decision.

3. On January 3, 2024, the ALJs held a telephonic prehearing conference. On January 5, 2024, the ALJs issued Prehearing Order #1, which, among other things, established a compressed litigation schedule and discovery modifications that shortened the time periods for serving responses, objections, and motions to compel.

4. On January 3, 2024, the OCA issued its Set 25 Interrogatories (Set 25) to PAWC.

5. On January 4, 2024, PAWC and the OCA held a conference call where PAWC orally objected to OCA's Set 25, Question No. 3 and the OCA explained the basis for the interrogatory. On January 5, 2024, PAWC notified the OCA by electronic mail that it planned to file a written objection to Interrogatory OCA-25-3.

6. On January 8, 2024, PAWC filed its written objection to Interrogatory OCA-25-3. A copy of PAWC's written objection to Interrogatory OCA-25-3 is attached as Attachment A.

7. In accordance with paragraph 16 of the ALJs' Prehearing Order #1, the OCA files this Motion within three calendar days of the PAWC's written objection, requesting that the ALJs dismiss PAWC's objection and compel PAWC to answer the interrogatory at OCA Set 25, Question No. 3.

### **III. LEGAL STANDARD**

8. Section 333(d) of the Public Utility Code permits a party to a proceeding to "serve written interrogatories upon any other party for purposes of discovering relevant, unprivileged information." 66 Pa.C.S. § 333(d). Under the Commission's regulations, a party may obtain

discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action.<sup>1</sup> 52 Pa. Code § 5.321(c). It is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence. *Id.*

9. The Commission applies the relevancy test liberally. *See Pa. P.U.C. v. The Peoples Natural Gas Co.*, 62 PaPUC 56 (Aug. 26, 1986). Relevancy depends upon the nature and the facts of the individual case. *Koken v. One Beacon Ins. Co.*, 911 A.2d 1021, 1025 (Pa. Commw. 2006) (*Koken*). Any doubts are to be resolved in favor of relevancy and permitting discovery. *Petition of the Borough of Cornwall for a Declaratory Order*, Docket No. P-2015-2476211 (Order entered Sept. 11, 2015) (citing *Koken at 1025*).

10. The burden is placed on the party objecting to discovery to establish that the information requested is not relevant or discoverable. *Id.*

11. Where there has been an objection filed to an interrogatory, the propounding party has the right to file a motion requesting that the presiding officer issue an order that dismisses the objection and compels an answer to the interrogatory. 66 Pa.C.S. § 333(d); 52 Pa. Code § 5.432(g). The consequence to the propounding party for failure to file a motion to compel is that the objected to interrogatory will be deemed withdrawn. 52 Pa. Code § 5.432(g). The motion to compel must include the interrogatory objected to and the objection. *Id.*

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<sup>1</sup> Section 5.321 outlines the scope of discovery as follows:

(c) *Scope.* Subject to this subchapter, a party may obtain discovery regarding **any matter**, not privileged, which is **relevant to the subject matter** involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the **claim or defense of another party**, including the **existence**, description, nature, content, custody, condition and location of any books, **documents**, or other tangible things and the identity and location of persons having knowledge of a discoverable matter. It is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

52 Pa. Code § 5.321(c) (emphasis added).

#### IV. MOTION TO COMPEL

12. Interrogatory OCA-25-3 states: “Provide the documentation that allows American Water Resources to use this name under license.”

13. PAWC objects to Interrogatory OCA-25-3 based on relevancy. It argues:

[I]t would require production of documents and information that are not reasonably related to matters addressed in this proceeding and, in particular, trademark licensing arrangements between PAWC’s parent, American Water Works Company, Inc. and an unregulated third party and, therefore, are outside the permissible bounds of discovery set forth in 66 Pa.C.S. § 333(d) and the Commission’s applicable regulations.

PAWC Objections at ¶ 7.

14. It is the OCA’s responsibility to protect the interests of PAWC’s consumers in matters that are properly before the Commission. In doing so, the OCA must inquire into any and all matters which may lead to the discovery of admissible evidence to support its recommendations to the Commission in this rate proceeding.

15. Absent privileged information, the OCA has the right to obtain discovery regarding any matter which is relevant to the subject matter involved in the proceeding.

16. The subject matter involved in this case includes (1) the expenses and revenues claimed by PAWC to support its claimed revenue requirement and its general rate increase requests, and (2) the adequacy and reasonableness of utility service that PAWC provides to its consumers under the Public Utility Code, including customer billing and marketing.

17. Through information obtained in discovery,<sup>2</sup> the OCA believes the following to be true:

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<sup>2</sup> See PAWC’s responses to OCA-08-21, attached hereto as Attachment B.



a. PAWC bills for warranty services (Warranty Services) that are offered and provided by a third party, non-affiliated company, named “American Water Resources, LLC” (American Water Resources) in return for a service fee.

b. PAWC provides these billing services on behalf of American Water Resources pursuant to a Utility Agreement executed by and between PAWC and American Water Resources dated December 9, 2021 (Utility Agreement).<sup>3</sup>

c. American Water Resources provides the Warranty Services to PAWC customers with whom it has a service contract. The Warranty Services offered by American Water Resources include repair and maintenance services for covered water service lines owned by customers, sewer service laterals owned by customers, and in-home plumbing.

d. The Warranty Services appear as a line item on PAWC’s customer bills as “Protection Programs”, and in fine print on the customer bill, a disclaimer states that the “Protection programs for water, sewer, and in-home plumbing are offered by American Water Resources” and explains that the charges are not regulated by the Commission and that PAWC’s regulated services will not be disconnected for nonpayment or charged late fees in connection with non-payment of the Protection Programs charges.

e. American Water Resources uses the American Water name, logo, and branding; however, American Water Resources has no legal affiliation with PAWC or its parent company, American Water Works Company, Inc. (Parent Company).

f. The Parent Company previously owned American Water Resources as a subsidiary, which means American Water Resources was once an affiliate of PAWC. However, the Parent Company sold American Water Resources to Oncourse Home

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<sup>3</sup> See OCA-20-16 Attachment 1- CONFIDENTIAL, attached hereto as Attachment C (CONFIDENTIAL).

Solutions and, therefore, American Water Resources is currently neither a subsidiary of Parent Company nor an affiliate of PAWC.

g.

[REDACTED]

h.

[REDACTED]

i. [REDACTED]

j. [REDACTED]

18. Interrogatory OCA-25-3 requests documentation of the license agreement that gives permission to American Water Resources to use the American Water name and logo. PAWC provided a copy of the Utility Agreement in response to Interrogatory OCA-20-16, [REDACTED] [REDACTED] [REDACTED] which is the exact documentation requested in Interrogatory OCA-25-3. Given that the [REDACTED] [REDACTED] which PAWC already provided to the OCA in response to Interrogatory OCA-20-16, PAWC opened the door to the OCA to request this document. This demonstrates that, despite PAWC's objection, the requested license document is reasonably related to the matters addressed in this proceeding.

19. Additionally, the OCA believes the license documentation requested in Interrogatory OCA-25-3 is relevant because [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] This demonstrates that, despite PAWC’s objection, the requested license document is reasonably related to the matters addressed in this proceeding.

20. Furthermore, the OCA believes the documentation sought pursuant to Interrogatory OCA-25-3 is relevant because a license would be the legal instrument that allegedly would permit American Water Resources to use the American Water name, logo, and branding, which PAWC shares. The OCA believes that the use of the shared name and logo by American Water Resources would mislead the average consumer to believe that American Water Resources is legally affiliated with PAWC under the common ownership and management of the Parent Company, but in fact there is no affiliation. American Water Resources stands to benefit from this false impression as it gives it an unfair advantage over competitors offering similar warranty services to customers in the unregulated market for warranty services. Likewise, PAWC stands to benefit from this false impression as PAWC’s collects additional service fees from American Water Resources as the

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<sup>4</sup> No arrangement for legal services can be valid or effective unless it receives written approval from the Commission. 66 Pa.C.S. § 2012.

number of customers being billed for Warranty Services increases. Accordingly, the OCA's request to review any license agreement to understand the terms and conditions pursuant to which American Water Resources is granted the rights to utilize the American Water name, logo, and branding is reasonably related to matters addressed in this proceeding.

21. PAWC's revenue requirement includes PAWC's claims for expenses and revenues related to billing services that PAWC provides or has provided to third-party affiliates and non-affiliates and the reasonableness of PAWC's services as it relates to utility service.

22. The license agreement and relationship between American Water Resources, PAWC, and the Parent Company raises concerns regarding affiliated interests, consumer protections, and billing practices. Arrangements between affiliated interests, consumer protections, and utility billing practices are properly within the scope of a base rate case. *See, e.g.*, 66 Pa. C.S. § 526(a), 1301, 1501, 2106.

23. The requested license agreement which specifies the rights of this non-affiliated, third party to use the American Water name, logo, and branding in its marketing materials to PAWC's customers to attract customers to purchase their Warranty Services is reasonably calculated to lead to admissible evidence.

24. Finally, PAWC has not met its burden of demonstrating that the information sought by OCA is not likely to lead to admissible evidence. The Company broadly asserts that it would have to produce information that is not related to the matters addressed in this proceeding. As stated above, the document the OCA seeks is related to matters of billing and consumer protection and as such is related to this proceeding.

25. Therefore, the Company's objections should be dismissed as the OCA seeks relevant information to support its recommendations to the Commission, and PAWC has not met its burden in demonstrating that the interrogatories are not likely to lead to admissible evidence.

**V. CERTIFICATION**

26. The undersigned counsel for OCA certifies that they have attempted to resolve the Company's objections by undertaking the informal effort of participating on a conference call with PAWC's counsel to discuss the basis for OCA's request and the basis for PAWC's objection, but counsel for both sides were unable to reach a resolution.

**VI. CONCLUSION**

For the foregoing reasons, the OCA's Interrogatory OCA-25-3 requests relevant information. Accordingly, the OCA respectfully requests that the Presiding Officers grant this Motion to Dismiss Objection and Compel Response to Discovery and direct Pennsylvania-American Water Company to answer Interrogatory OCA Set 25, Question No. 3 within three calendar (3) days from the date of the order.

Erin L. Gannon  
Senior Assistant Consumer Advocate  
Andrew J. Zerby  
Christopher M. Andreoli  
David T. Evrard  
Assistant Consumer Advocates  
[OCAPAWC2023@paoca.org](mailto:OCAPAWC2023@paoca.org)

Dated: January 11, 2024

Respectfully submitted,

/s/ Melanie J. El Atieh  
Melanie J. El Atieh  
Senior Assistant Consumer Advocate  
PA Attorney I.D. # 209323  
E-Mail: [MElAtieh@paoca.org](mailto:MElAtieh@paoca.org)

Counsel for:  
Patrick M. Cicero, Consumer Advocate  
Office of Consumer Advocate  
555 Walnut Street  
5<sup>th</sup> Floor, Forum Place  
Harrisburg, PA 17101-1923  
Phone: (717) 783-5048  
Fax: (717) 783-7152

## **ATTACHMENT A**

# Morgan Lewis

**Kenneth M. Kulak**

Partner

+1.215.963.5384

ken.kulak@morganlewis.com

January 8, 2024

## **VIA eFILING**

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 and R-2023-3043190**

Dear Secretary Chiavetta:

Enclosed please find, in the above-captioned proceeding, the **Certificate of Service** evidencing service upon the parties of record of the **Objections of Pennsylvania-American Water Company to the Interrogatories (Set XXV) of the Office of Consumer Advocate**.

If you have any questions, please do not hesitate to contact me directly at 215.963.5384.

Very truly yours,



Kenneth M. Kulak

KMK/tp

Enclosures

c: Per Certificate of Service (w/encls.)

DB1/ 143506272.1

**Morgan, Lewis & Bockius LLP**

2222 Market Street  
Philadelphia, PA 19103-3007  
United States

**T** +1.215.963.5000  
**F** +1.215.963.5001



# Morgan Lewis

**Kenneth M. Kulak**

Partner

+1.215.963.5384

ken.kulak@morganlewis.com

January 8, 2024

## **VIA ELECTRONIC MAIL**

Erin L. Gannon  
Melanie J. El Atieh  
David T. Evrard  
Andrew J. Zerby  
Christopher M. Andreoli  
Office of Consumer Advocate  
Forum Place – 5<sup>th</sup> Floor  
555 Walnut Street  
Harrisburg, PA 17101

**Re: Pennsylvania Public Utility Commission v.  
Pennsylvania-American Water Company  
Docket Nos. R-2023-3043189 and R-2023-3043190**

Dear Counsel:

Enclosed please find in the above-referenced matters, the **Objections of Pennsylvania-American Water Company to the Interrogatories (Set XXV) of the Office of Consumer Advocate.**

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Kenneth M. Kulak

KMK/tp  
Enclosures

c: Per Certificate of Service (w/encls.)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION** : **DOCKET NOS.: R-2023-3043189 (Water)**  
: **R-2023-3043190 (Wastewater)**  
v. :  
**PENNSYLVANIA-AMERICAN WATER COMPANY** :  
:

**CERTIFICATE OF SERVICE**

I hereby certify and affirm that I have this day served a true and correct copy of the **Objections of Pennsylvania-American Water Company to the Interrogatories (Set XXV) of the Office of Consumer Advocate** on the following persons, in the manner specified below, in accordance with the requirements of 52 Pa. Code Section 1.54:

**VIA ELECTRONIC MAIL**

Erin L. Gannon  
Melanie J. El Atieh  
David T. Evrard  
Andrew J. Zerby  
Christopher M. Andreoli  
Office of Consumer Advocate  
Forum Place – 5<sup>th</sup> Floor  
555 Walnut Street  
Harrisburg, PA 17101  
[OCAPAWC2023@paoca.org](mailto:OCAPAWC2023@paoca.org)  
*Counsel for OCA*

Carrie B. Wright  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
Commerce Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg PA 17120  
[carwright@pa.gov](mailto:carwright@pa.gov)  
*Counsel for I&E*

Steven C. Gray  
Rebecca Lyttle  
Office of Small Business Advocate  
Forum Place  
555 Walnut Street, 1<sup>st</sup> Floor  
Harrisburg, PA 17101  
[sgray@pa.gov](mailto:sgray@pa.gov)  
[relyttle@pa.gov](mailto:relyttle@pa.gov)  
*Counsel for OSBA*

Joseph L. Vullo  
Burke Vullo Reilly Roberts  
1460 Wyoming Avenue  
Forty Fort, PA 18704  
[jlvullo@bvrrlaw.com](mailto:jlvullo@bvrrlaw.com)  
*Counsel for Commission on Economic Opportunity*

Adeolu A. Bakare  
Charis Mincavage  
McNees Wallace & Nurick LLC  
100 Pine Street  
Harrisburg, PA 17101  
[abakare@mcneeslaw.com](mailto:abakare@mcneeslaw.com)  
[cmincavage@mcneeslaw.com](mailto:cmincavage@mcneeslaw.com)  
*Counsel for Pennsylvania-American Water  
Large Users Group*

Kurt J. Boehm  
Jody Kyler Cohn  
Boehm, Kurtz & Lowry  
36 East Seventh Street, Suite 1510  
Cincinnati, OH 45202  
[kboehm@bklawfirm.com](mailto:kboehm@bklawfirm.com)  
[jkylercohn@bklawfirm.com](mailto:jkylercohn@bklawfirm.com)  
*Counsel for Cleveland-Cliffs Steel*

Joan E. London  
Kozloff Stoudt  
2640 Westview Drive  
Wyomissing, PA 19610  
[jlondon@kozloffstoudt.com](mailto:jlondon@kozloffstoudt.com)  
*Counsel for Borough of St. Lawrence,  
Berks County*

Kyle Donahue  
621 Gibbons Street  
Scranton, PA 18505  
[kyle.23.donahue@gmail.com](mailto:kyle.23.donahue@gmail.com)

Karen O. Moury  
Eckert Seamans Cherin & Mellott, LLC  
213 Market Street, 8<sup>th</sup> Floor  
Harrisburg, PA 17101  
[kmoury@eckertseamans.com](mailto:kmoury@eckertseamans.com)  
*Counsel for Victory Brewing Company*

Ria Pereira  
John Sweet  
Elizabeth Marx  
Lauren Berman  
The Pennsylvania Utility Law Project  
Harry Geller  
118 Locust Street  
Harrisburg, PA 17101  
[rpereira@pautilitylawproject.org](mailto:rpereira@pautilitylawproject.org)  
[jsweet@pautilitylawproject.org](mailto:jsweet@pautilitylawproject.org)  
[emarx@pautilitylawproject.org](mailto:emarx@pautilitylawproject.org)  
[lberman@pautilitylawproject.org](mailto:lberman@pautilitylawproject.org)  
[pulp@pautilitylawproject.org](mailto:pulp@pautilitylawproject.org)  
*Counsel for CAUSE-PA*

Sean M. Gallagher  
Gallagher Law Group  
110 East Diamond Street, Suite 101  
Butler, PA 16001  
[smgallagher@gallagher.legal](mailto:smgallagher@gallagher.legal)  
*Counsel for Cleveland-Cliffs Steel*

J. Chadwick Schnee  
Schnee Legal Services, LLC  
74 East Main Street, #648  
Lititz, PA 17543  
[chadwick@schneelegal.com](mailto:chadwick@schneelegal.com)  
*Counsel for Exeter Township*

Robert Ralls  
254 Red Haven Road  
New Cumberland, PA 17070  
[rralls73@yahoo.com](mailto:rralls73@yahoo.com)

Lauren M. Burge  
Eckert Seamans Cherin & Mellott, LLC  
600 Grant Street, 44<sup>th</sup> Floor  
Pittsburgh, PA 15219  
[lburge@eckertseamans.com](mailto:lburge@eckertseamans.com)  
*Counsel for Victory Brewing Company*

## CONSULTANTS – WITNESSES

Ralph C. Smith  
Mark S. Dady  
Megan Eliaz  
Dawn Bisdorf  
Larkin & Associates, PLLC  
15728 Farmington Road  
Livonia, MI 48154  
[OCAPAWC2023@paoca.org](mailto:OCAPAWC2023@paoca.org)  
*Consultant for OCA*

Jerome D. Mierzwa  
Exeter Associates, Inc.  
10480 Little Patuxent Parkway, Suite 300  
Columbia, MD 21044  
[OCAPAWC2023@paoca.org](mailto:OCAPAWC2023@paoca.org)  
*Consultant for OCA*

Barbara Alexander  
Barbara Alexander Consulting, LLC  
44 Beech Street  
Hallowell, ME 04347  
[OCAPAWC2023@paoca.org](mailto:OCAPAWC2023@paoca.org)  
*Consultant for OCA*

Lisa Gumby  
[lgumby@pa.gov](mailto:lgumby@pa.gov)  
*Consultant for I&E*

Joseph Kubas  
[jkubas@pa.gov](mailto:jkubas@pa.gov)  
*Consultant for I&E*

DC Patel  
[dupatel@pa.gov](mailto:dupatel@pa.gov)  
*Consultant for I&E*

Christian Yingling  
[chryinglin@pa.gov](mailto:chryinglin@pa.gov)  
*Consultant for I&E*

David Garrett  
Resolve Utility Consulting PLCC  
101 Park Avenue, Suite 1125  
Oklahoma City, OK 73102  
[OCAPAWC2023@paoca.org](mailto:OCAPAWC2023@paoca.org)  
*Consultant for OCA*

Terry L. Fought  
780 Cardinal Drive  
Harrisburg, PA 17111  
[OCAPAWC2023@paoca.org](mailto:OCAPAWC2023@paoca.org)  
*Consultant for OCA*

Roger Colton  
Fisher Sheehan & Colton  
34 Warwick Road  
Belmont, MA 02478  
[OCAPAWC2023@paoca.org](mailto:OCAPAWC2023@paoca.org)  
*Consultant for OCA*

Christine Wilson  
[cswilson@pa.gov](mailto:cswilson@pa.gov)  
*Consultant for I&E*

Ethan Cline  
[etcline@pa.gov](mailto:etcline@pa.gov)  
*Consultant for I&E*

Vanessa Okum  
[vokum@pa.gov](mailto:vokum@pa.gov)  
*Consultant for I&E*

Alicia Claypool  
[alclaypool@pa.gov](mailto:alclaypool@pa.gov)  
*Consultant for I&E*

Brian Kalcic  
d/b/a Excel Consulting  
7330 Dorset Avenue  
St. Louis, MO 63130  
[excel.consulting@sbcglobal.net](mailto:excel.consulting@sbcglobal.net)  
*Consultant for OSBA*

Kevin Higgins  
Courtney Higgins  
Shantell Garrett  
Energy Strategies  
111 East Broadway, Suite 1200  
Salt Lake City, UT 84111  
[khiggins@energystrat.com](mailto:khiggins@energystrat.com)  
[chiggins@energystrat.com](mailto:chiggins@energystrat.com)  
[sgarrett@energystrat.com](mailto:sgarrett@energystrat.com)  
*Consultants for OSBA*

Harry Geller  
118 Locust Street  
Harrisburg, PA 17101  
[hgeller@pautilitylawproject.org](mailto:hgeller@pautilitylawproject.org)  
*Consultant for CAUSE-PA*

Richard A. Baudino  
J. Kennedy & Associates  
1347 Frye Road  
Westfield, NC 27053  
[rbaudino@jkenn.com](mailto:rbaudino@jkenn.com)  
*Consultant for Cleveland-Cliffs Steel*

Billie S. LaConte  
Kitty A. Turner  
J. Pollock, Inc.  
[bsl@jpollockinc.com](mailto:bsl@jpollockinc.com)  
[kat@jpollockinc.com](mailto:kat@jpollockinc.com)  
*Consultants for PAWLUG*

Robert J. May, P.E.  
Council President  
Allison Leinbach  
Borough Manager  
3540 St. Lawrence Avenue  
Reading, PA 19606  
[rjmay@aol.com](mailto:rjmay@aol.com)  
[aleinbach@ptd.net](mailto:aleinbach@ptd.net)  
*Consultants for Borough of St. Lawrence*



---

Kenneth M. Kulak (Pa. No. 75509)  
Mark A. Lazaroff (Pa. No. 315407)  
Catherine G. Vasudevan (Pa. No. 210254)  
Brooke E. McGlenn (Pa. No. 204918)  
Morgan, Lewis & Bockius LLP  
2222 Market Street  
Philadelphia, PA 19103  
215.963.5384 (bus)  
215.963.5001 (fax)  
[ken.kulak@morganlewis.com](mailto:ken.kulak@morganlewis.com)  
[mark.lazaroff@morganlewis.com](mailto:mark.lazaroff@morganlewis.com)  
[catherine.vasudevan@morganlewis.com](mailto:catherine.vasudevan@morganlewis.com)  
[brooke.mcglinn@morganlewis.com](mailto:brooke.mcglinn@morganlewis.com)

*Counsel for  
Pennsylvania-American Water Company*

Dated: January 8, 2024

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>PENNSYLVANIA PUBLIC UTILITY COMMISSION</b>	:	
	:	
	:	<b>DOCKET NOS. R-2023-3043189</b>
<b>v.</b>	:	<b>R-2023-3043190</b>
	:	
<b>PENNSYLVANIA-AMERICAN WATER COMPANY</b>	:	
	:	

**OBJECTIONS OF PENNSYLVANIA-AMERICAN WATER COMPANY  
TO THE INTERROGATORIES (SET XXV)  
OF THE OFFICE OF CONSUMER ADVOCATE**

Pursuant to 66 Pa.C.S. § 333(d) and 52 Pa. Code § 5.342, Pennsylvania-American Water Company (“PAWC” or the “Company”) hereby objects to the Twenty-Fifth Set of Interrogatories (“Set XXV”), No. 3 propounded by the Office of Consumer Advocate (“OCA”) on January 3, 2024. A copy of the OCA’s Set XXV Interrogatories is attached to these Objections as Appendix A.

**I. RELEVANT BACKGROUND**

1. On November 8, 2023, the Company filed Supplement No. 45 to Tariff Water – Pa. P.U.C. No. 5 (“Water Tariff Supplement”) and Supplement No. 47 to Tariff Wastewater – Pa. P.U.C. No. 16 (“Wastewater Tariff Supplement”), requesting an increase in its total annual operating revenues to become effective January 7, 2024. The amount of the requested increase equals \$203.9 million above the level of pro forma revenues for the fully projected future test year (“FPFTY”) ending June 30, 2025. The Company’s filing included the detailed supporting data required by the Pennsylvania Public Utility Commission’s (“Commission’s”) regulations at 52 Pa. Code §§ 53.52 et seq.

2. To date, the OCA has served on the Company 26 sets of interrogatories comprising a cumulative total of 577 questions with 1,239 subparts.

3. As previously noted, on January 3, 2023, the OCA issued its Set XXV interrogatories containing Question No. 3 to which PAWC hereby objects because that interrogatory requests information that is not relevant to any matters properly at issue in this base rate proceeding.

## II. OBJECTIONS

4. Section 333(d) of the Public Utility Code states, in pertinent part, as follows:

**Interrogatories.** – Any party to a proceeding may serve written interrogatories upon any other party for purposes of discovering *relevant*, unprivileged information.

66 Pa.C.S. § 333(d) (emphasis added)

5. The Commission’s regulations at 52 Pa. Code § 5.321(c) define the permissible scope of discovery in proceedings before the Commission as follows:

*Scope.* Subject to this subchapter, a party may obtain discovery regarding any matter, not privileged, *which is relevant to the subject matter involved in the pending action*, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of another party, including the existence, description, nature, content, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of a discoverable matter. It is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence. (Emphasis added.)

6. OCA Interrogatory (Set XXV) No. 3 states as follows:

Provide the documentation that allows American Water Resources to use this name under license.

7. PAWC objects to Interrogatory (Set XXV) No. 3 because it would require production of documents and information that are not reasonably related to matters addressed in this proceeding and, in particular, trademark licensing arrangements between PAWC's parent, American Water Works Company, Inc. and an unregulated third party and, therefore, are outside the permissible bounds of discovery set forth in 66 Pa.C.S. § 333(d) and the Commission's applicable regulations.



WHEREFORE, for the foregoing reasons, PAWC's Objections should be granted and the OCA's Interrogatories (Set XXV), No. 3 should be stricken.

Respectfully submitted,



---

Elizabeth R. Triscari (PA I.D. No. 306921)  
Teresa Harrold (PA I.D. No. 311082)  
Erin K. Fure (PA I.D. No. 312245)  
Pennsylvania-American Water Company  
852 Wesley Drive  
Mechanicsburg, PA 17055  
717.550.1570 (bus)  
[elizabeth.triscari@amwater.com](mailto:elizabeth.triscari@amwater.com)  
[teresa.harrold@amwater.com](mailto:teresa.harrold@amwater.com)

Kenneth M. Kulak (Pa. No. 75509)  
Catherine G. Vasudevan (Pa. No. 210254)  
Brooke E. McGlinn (Pa. No. 204918)  
Mark A. Lazaroff (Pa. No. 315407)  
Morgan, Lewis & Bockius LLP  
2222 Market Street  
Philadelphia, PA 19103-3007  
215.963.5384 (bus)  
215.963.5001 (fax)  
[ken.kulak@morganlewis.com](mailto:ken.kulak@morganlewis.com)  
[catherine.vasudevan@morganlewis.com](mailto:catherine.vasudevan@morganlewis.com)  
[brooke.mcglinn@morganlewis.com](mailto:brooke.mcglinn@morganlewis.com)  
[mark.lazaroff@morganlewis.com](mailto:mark.lazaroff@morganlewis.com)

Dated: January 8, 2024

*Counsel for*  
*Pennsylvania-American Water Company*

## Appendix A

COMMONWEALTH OF PENNSYLVANIA



PATRICK M. CICERO  
Consumer Advocate

OFFICE OF CONSUMER ADVOCATE  
555 Walnut Street, 5th Floor, Forum Place  
Harrisburg, Pennsylvania 17101-1923  
(717) 783-5048  
(800) 684-6560

 @pa\_oca  
 /pennoca  
FAX (717) 783-7152  
consumer@paoca.org  
www.oca.pa.gov

January 3, 2024

**Via Electronic Mail Only**

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

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

Dear Counsel:

Enclosed you will find Interrogatories of the Office of Consumer Advocate, Set 25, in this matter. This document contains some **CONFIDENTIAL** information that is only being provided to Pennsylvania-American Water Company. Other parties will receive only the non-confidential (public) portion of OCA Set 25 but parties to the Protective Agreement will have access to the full set of questions and responses, including confidential material, when those are posted in the Company's data room.

In accordance with the discovery modifications ordered at the Prehearing Conference held on January 3, 2024, we request Pennsylvania-American Water Company provide verified answers to these inquiries within ten (10) days of service. Also, please forward the verified answers as they are completed, rather than waiting until the responses to the full set are completed.

We would appreciate it if you would communicate any objections you may have to these interrogatories as soon as possible.

Kenneth M. Kulak, Esquire  
Brooke E. McGlinn, Esquire  
Catherine Vasudevan, Esquire  
Mark A. Lazaroff, Esquire  
January 3, 2024  
Page 2

We also request that you send a copy of the answers directly to our group e-mail, as listed below:

OCAPAWC2023@paoca.org

If you have any questions, please call us. By copy of this letter, copies of these interrogatories have been served upon all parties. A certificate of service showing service of these interrogatories on all parties has been filed with Secretary Chiavetta of the Pennsylvania Public Utility Commission as required by 52 Pa. Code §5.341(b).

Sincerely,



Erin L. Gannon  
Senior Assistant Consumer Advocate  
PA Attorney I.D. # 83487  
egannon@paoca.org

Enclosures:

cc: PUC Secretary Rosemary Chiavetta (Letter and Certificate of Service Only)  
Certificate of Service

4868-2143-2986

CERTIFICATE OF SERVICE

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

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate’s Interrogatories to Pennsylvania-American Water Company, Set 25, 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 3<sup>rd</sup> day of January, 2024.

SERVICE BY E-MAIL ONLY

\*\*Confidential version served to PAWC only

Carrie B. Wright, Esquire  
Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120  
carwright@pa.gov  
*Counsel for I&E*

Steven C. Gray, Esquire  
Rebecca Lyttle, Esquire  
Office of Small Business Advocate  
555 Walnut Street  
1<sup>st</sup> Floor, Forum Place  
Harrisburg, PA 17101-1923  
sgray@pa.gov  
relyttle@pa.gov  
*Counsel for OSBA*

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  
*Counsel for PAWC\*\**

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  
*Counsel for PAWC\*\**

SERVICE BY E-MAIL ONLY (continued)

Ria M. Pereira, Esquire  
Lauren N. Berman, Esquire  
John W. Sweet, Esquire  
Elizabeth R. Marx, Esquire  
Pennsylvania Utility Law Project  
118 Locust Street  
Harrisburg, PA 17101  
pulp@pautilitylawproject.org  
*Counsel for CAUSE-PA*

Kurt J. Boehm, Esquire  
Jody Kyler Cohn, Esquire  
Boehm, Kurtz, & Lowry  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
kboehm@bkllawfirm.com  
jkylercohn@bkllawfirm.com  
*Counsel for Cleveland-Cliffs Steel*

Adeolu A. Bakare, Esquire  
Charis Mincavage, Esquire  
McNees Wallace & Nurick LLC  
100 Pine Street  
P.O. Box 1166  
Harrisburg, PA 17108-1166  
abakare@mcneeslaw.com  
cmincavage@mcneeslaw.com  
*Counsel for PAWLUG*

J. Chadwick Schnee, Esquire  
Schnee Legal Services, LLC  
74 E. Main Street, #648  
Lititz, PA 17543  
chadwick@schneelegal.com  
*Counsel for Exeter Township*

Joseph L. Vullo, Esquire  
Burke Vullo Reilly Roberts  
1460 Wyoming Avenue  
Forty Fort, PA 18704  
jlvullo@bvrrlaw.com  
*Counsel for  
Commission on Economic Opportunity*

Sean M. Gallagher, Esquire  
Gallagher Law Group  
110 East Diamond Street  
Suite 101  
Butler, PA 16001  
smgallagher@gallagher.legal  
*Counsel for Cleveland-Cliffs Steel*

Joan E. London, Esquire  
Kozloff Stoudt, PC  
2640 Westview Drive  
Wyomissing, PA 19610  
jlondon@kozloffstoudt.com  
*Counsel for Borough of  
St. Lawrence, Berks County*

SERVICE BY E-MAIL ONLY (continued)

Robert K. Ralls  
254 Red Haven Road  
New Cumberland, PA 17070  
rralls73@yahoo.com

Kyle Donahue  
kyle.23.donahue@gmail.com



---

Erin L. Gannon  
Senior Assistant Consumer Advocate  
PA Attorney I.D. # 83487  
egannon@paoca.org

Melanie J. El Atieh  
Senior Assistant Consumer Advocate  
Christopher M. Andreoli  
David T. Evrard  
Andrew J. Zerby  
Assistant Consumer Advocates  
OCAPAWC2023@paoca.org

Counsel for:  
Office of Consumer Advocate  
555 Walnut Street  
5<sup>th</sup> Floor, Forum Place  
Harrisburg, PA 17101-1923  
717-783-5048

Dated: January 3, 2024

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

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INTERROGATORIES  
OF THE  
OFFICE OF CONSUMER ADVOCATE  
SET 25

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Pursuant to 52 Pa. Code § 5.341, the Office of Consumer Advocate hereby propounds the following Interrogatories to Pennsylvania-American Water Company (PAWC) to be answered by those officers, employees, agents, or contractors who have knowledge of the requested facts and who are authorized to answer on behalf of the Company. Each interrogatory is to be verified by the responding witness in accordance with 52 Pa. Code § 5.342(a)(6).

DATED: January 3, 2024



### Instructions

- 1) These interrogatories shall be construed as a continuing request. The Respondent is obliged to change, supplement and correct all answers to interrogatories to conform to available information, including such information as first becomes available to the Respondent after the answers hereto are filed.
- 2) Restate the interrogatory immediately preceding each response.
- 3) Identify the name, title, and business address of each person(s) providing each response.
- 4) Provide the date on which the response was created.
- 5) Divulge all information that is within the knowledge, possession, control, or custody of Respondent or may be reasonably ascertained thereby. The term “Pennsylvania-American Water Company”, “Pennsylvania-American”, “PAWC”, “the Company”, or “you” as used herein includes Pennsylvania-American Water Company, its attorneys, agents, employees, contractors, or other representatives, to the extent that the Company has the right to compel the action requested herein.
- 6) Provide a verification by the responsible witness that all facts contained in the response are true and correct to the best of the witness’ knowledge, information and belief.
- 7) As used herein, but only to the extent not protected by 52 Pa. Code Section 5.323, the word “document” or “workpaper” includes, but is not limited to, the original and all copies in whatever form, stored or contained in or on whatever media or medium, including computerized memory, magnetic, electronic, or optical media, regardless of origin, and whether or not including additional writing thereon or attached thereto, and may consist of:
  - a) notations of any sort concerning conversations, telephone calls, meetings or other communications;
  - b) bulletins, transcripts, diaries, analyses, summaries, correspondence and enclosures, circulars, opinions, studies, investigations, questionnaires and surveys;
  - c) worksheets, and all drafts, preliminary versions, alterations, modifications, revisions, changes, amendments and written comments concerning the foregoing.

Pa. P.U.C. v. Pennsylvania-American Water Company  
Docket Nos. R-2023-3043189 (Water)  
R-2023-3043190 (Wastewater)  
Interrogatories of the Office of Consumer Advocate to PAWC

Set 25 **PUBLIC**

1. Provide the dates, location, number of attendees and their organizational affiliation, and the content (handouts, slides, documents) used to conduct the training of any third party contractor authorized to handle calls with PAWC customers in 2022 and 2023.
2. Provide the script used by customer call representatives to establish a new service or set up a new account at an existing service location. In your response, please provide any script language that references the option to enroll with services and associated costs offered by American Water Resources.
3. Provide the documentation that allows American Water Resources to use this name under license.
4. Does PAWC offer any other homeowner services or inform the customer of such options other than those offered by American Water Resources? If so, provide any documentation that services other than those offered by American Water Resources are provided to its customers. If not, why not?
5. Does PAWC or American Water Works share any customer information or mailing lists with American Water Resources to market or offer its services? If so, identify how American Water Resources advertises or offers its services to PAWC customers.
6. Are PAWC representatives allowed to negotiate a customer specific installment payment plan based on the customer's individual circumstances if the customer refuses to provide information about household income information and the identity of those in the household?
7. Please provide any correspondence submitted by PAWC in response to the Commission's Management Audit issued in October 2023 with regard to the findings concerning customer service performance and collection of overdue bills.

**QUESTIONS ADDRESSING INFORMATION DESIGNATED BY PAWC AS  
CONFIDENTIAL BEGIN ON PAGE 2**

**ATTACHMENT B**

**Pennsylvania-American Water Company  
Docket Nos. R-2023-3043189 (Water)  
R-2023-3043190 (Wastewater)  
Office of Consumer Advocate Set 8**

**OCA 08-021**

**Responsible Witness: Deb Degillio, VP, Customer Service**

**Question:**

Does PAWC include non-basic service charges on its residential customer bills? If so, provide a sample bill that identifies each such non-basic service are presented and disclosed as non-basic on the customer bills.

**Response:**

Yes. For the convenience of its customers and at their election, PAWC provides on-bill billing for utility related insurance products provided by Oncourse Home Solutions ("Oncourse"). PAWC includes non-basic service charges for Oncourse on residential customer bills. Please see OCA 08-021\_Attachment, page 3, for a sample and explanation of the charges.



WE KEEP LIFE FLOWING™

Service Address:



CANONSBURG, PA 15317-2514

THANK YOU FOR BEING OUR CUSTOMER

Important Account Messages

- Want to get to know us better? Visit www.pennsylvaniaamwater.com to learn more about the services we provide.
Thank you for being a long time customer! We work hard every day to deliver water service that is safe, reliable, and affordable -- our customers deserve nothing less.

For more information, visit www.pennsylvaniaamwater.com

Statement

Account No. [Redacted]

Table with 2 columns: Description, Amount. Row 1: Total Amount Due: \$135.69. Row 2: Payment Due By: September 8, 2023

Thank you for using AutoPay. Payment will be automatically deducted on the bill due date.

Billing Date: August 17, 2023
Service Period: Jul 19 to Aug 16 (29 Days)
Total Gallons: 5,600

Account Summary - See page 3 for Account Detail

Table with 2 columns: Description, Amount. Rows include Prior Billing (\$169.52), Payments - Thank You! (-\$169.52), Balance Forward (\$0.00), Service Related Charges (+\$107.70), Protection Programs (+\$27.99), Total Amount Due (\$135.69)

View your account information or pay your bill anytime at: www.amwater.com/MyAccount

Pay by Phone\*: Pay anytime at 1-855-748-6066

Customer Service: 1-800-565-7292
M-F 7:00am to 7:00pm - Emergencies 24/7

PENNSYLVANIA AMERICAN WATER
PO BOX 371412
PITTSBURGH, PA. 15250-7412

Please return bottom portion with your payment. DO NOT send cash. Retain upper portion for your records.

Account No. [Redacted]

Table with 2 columns: Description, Amount. Row 1: Total Amount Due: \$135.69. Row 2: Payment Due By: September 8, 2023

If paying after 9/8/23, pay this amount: \$137.31



P.O. BOX 91623
RANTOUL, IL 61866-8623

Service to: [Redacted]
CANONSBURG, PA 15317-2514

Amount Enclosed \$ Paid Electronically on Due Date

[Redacted]
PITTSBURGH, PA 15219

PENNSYLVANIA AMERICAN WATER
PO BOX 371412
PITTSBURGH, PA. 15250-7412

Messages from Pennsylvania American Water

- Effective July 1, 2023, the Water Distribution System Improvement Charge decreased from 0.02% to 0.00%. This charge funds the replacement of water distribution system facilities.
- **\*\*\*IMPORTANT WATER QUALITY MESSAGE:** Your annual Water Quality Report can be viewed electronically at [www.amwater.com/ccr/greaterpgh.pdf](http://www.amwater.com/ccr/greaterpgh.pdf). If you prefer a paper copy to be sent to you, please contact our Customer Service Center at 800-565-7292.
- Approximately 3.64 percent, or \$4.94 of state taxes are included in your current bill.



**CUSTOMER SERVICE: 1-800-565-7292**  
 HOURS: M-F, 7am-7pm ▪ Emergencies: 24/7  
**TTY/TDD FOR THE HEARING IMPAIRED: 711**  
 (and then reference Customer Service number listed above)

**SERVICES**

- Go Paperless:** Save time. Save money. Sign up for **Paperless Billing** and **Auto Pay** on MyWater at [amwater.com/mywater](http://amwater.com/mywater). Not registered? Log in and be sure to have your account number handy.
- Water Quality:** We take water quality seriously. When it comes to complying with federal drinking water standards, we consistently score better than the industry average. For a copy of the annual water quality report for your area, visit [pennsylvaniaamwater.com](http://pennsylvaniaamwater.com). Under Water Quality, select Water Quality Reports.
- H2O Help To Others:** This program helps low-income customers who qualify with their water bills. For more information, contact our program administrator, the Dollar Energy Fund, at 1-888-282-6816.

**EXPLANATION OF FEES AND OTHER TERMS**

- Distribution System Improvement Charge (DSIC):** A charge to replace aging facilities, such as mains, meters, fire hydrants, valves, etc. This charge, as approved by the Pennsylvania Public Utility Commission (PUC), will change every three months based on work completed. It will not exceed 7.5% of your bill.
- Payment by Check:** Paying by check authorizes American Water to send the information from your check electronically to your bank for payment. The transaction will appear on your bank statement. The physical check will not be presented to your financial institution or returned to you.

- State Tax Surcharges:** This PUC-approved charge allows the company to recover costs specific to state taxes.
- Estimated Bill:** This occurs when we are unable to read the water meter. Your usage from the same billing period the prior year is used to calculate the estimated bill. The next actual meter reading corrects any over or under estimates.
- Inquiries/Disputes:** For inquiries about your bill, please register any question or complaint about the bill prior to the due date. Contact customer service Monday–Friday from 7 a.m. to 7 p.m. by calling 1-800-565-7292. To register your complaint by mail, send written correspondence to PO Box 2798, Camden, NJ 08101.
- Rates:** A detailed listing of charges that make up your bill is available upon request by contacting Customer Service or visiting us online at [pennsylvaniaamwater.com](http://pennsylvaniaamwater.com). Under Customer Service & Billing, select Your Water and Wastewater Rates.
- Protection programs for water, sewer and in-home plumbing** are offered by American Water Resources. Charges for these services are not regulated by the Pennsylvania Public Utility Commission. Regulated services will not be disconnected as a result of non-payment of protection program charges. Customers with protection program charges will not be assessed a late payment charge for late or unpaid protection plan charges. For inquiries about protection programs, please contact American Water Resources at 1-888-378-4458.
- Correspondence:** Please send written correspondence to PO Box 2798, Camden, NJ 08101. Be sure to include your name, account number, service address, mailing address and phone number including area code. Please do not send correspondence with your payment, as it may delay processing your payment and correspondence.

**H2O HELP TO OTHERS PROGRAM - lend a hand to customers in need**

I'm adding a one time contribution of \$\_\_\_\_\_ with my payment.

I'd like to add a recurring contribution to each bill of \$\_\_\_\_\_. I understand this amount will be added to each bill.

**Address Change(s)**

\_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ Zip Code \_\_\_\_\_

(\_\_\_\_\_) \_\_\_\_\_  Mobile Number

Phone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_

**Other ways to pay your bill**



**Auto Pay**



**Online**



**In Person**

Save time and money. Enroll in Auto Pay, and your bill will be paid on time, every time, directly from your bank account on the due date. No stamps required!

With My Account, you can pay your bill anytime, anywhere. Registration is fast and easy. Visit [www.amwater.com/MyAccount](http://www.amwater.com/MyAccount) or pay without registration at [www.amwater.com/billpay](http://www.amwater.com/billpay) (fee may apply).

We have agreements with several authorized payment locations in our service areas. Visit our website to find one near you.



## Meter Reading and Usage Summary

Meter No.	Measure	Size	From Date	To Date	Previous Read	Current Read	Meter Units	Billing Units	Total Gallons
N083592445	100 gal	5/8"	07/19/2023	08/16/2023	12,280 (A)	12,336 (A)	56	56.00	5,600

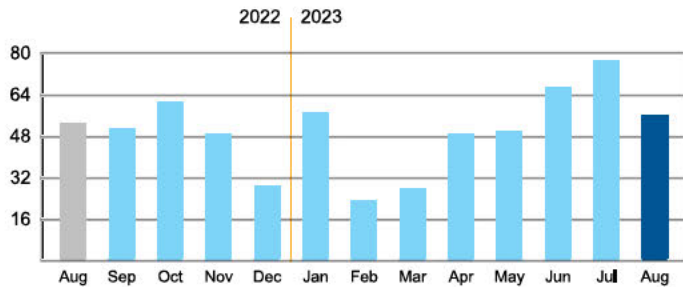
A = Actual E = Estimate

1 Billing Unit = 100 gallons

Total Gallons: 5,600

### Billed Usage History (graph shown in 100 gallons)

- 5,600 gallons = usage for this period
- 5,300 gallons = usage for same period last year



**Next Scheduled Read Date:** on or about September 19, 2023  
**Account Type:** Residential

Average daily use for this period is: (29 days)

**193 gallons**

Year to Date Billed Usage: 40,700 gallons

### Account Detail

Account No. [REDACTED]  
Service To: [REDACTED] CANONSBURG, PA 15317-2514

<b>Prior Billing</b>	<b>169.52</b>
<b>Payments</b>	<b>-169.52</b>
Total payments as of Aug 11. Thank you!	
<b>Balance Forward</b>	<b>0.00</b>
<b>Service Related Charges - 07/19/23 to 08/16/23</b>	
<b>Water Service</b>	<b>107.70</b>
Water Service Charge	17.50
Water Usage Charge (56 x \$1,6108)	90.20
<b>Total Service Related Charges</b>	<b>107.70</b>
<b>Protection Programs:</b>	<b>27.99</b>
<b>For inquiries, please call 1-888-378-4458</b>	
1 Protection Program	27.99
<b>Total Current Period Charges</b>	<b>135.69</b>

**Total Amount Due**



**\$135.69**

### Understanding Your Bill

The information below defines some of the new terms you may find on your bill:

- **Service Related Charges:** This section includes charges for services related to water, wastewater and fire protection. If applicable, credits and debits for correction to previously billed charges are itemized in this section.
- **Fees and Adjustments:** This section provides details related to additional charges or adjustments for the service period referenced. Fees, when applicable, would include items such as service activation and late payment charges.
- **Billing Units:** One billing unit equals 100 gallons of water used. If the meter serving your property measures your water use in cubic feet or a different unit of measure, we convert the usage to gallons to make it easier to understand.
- **Average Daily Use:** The gallons shown in the water droplet above represent your average daily water use for the current billing period. Tracking the amount of water you use can help you manage your overall water use from month to month.
- **Protection programs for water, sewer and in-home plumbing** are offered by American Water Resources. Charges for these services are not regulated by the Pennsylvania Public Utility Commission. Regulated services will not be disconnected as a result of non-payment of protection program charges. Customers with protection program charges will not be assessed a late payment charge for late or unpaid protection plan charges. For inquiries about protection programs, please contact American Water Resources at 888-378-4458.
- **Still have questions?** We are here to help. Our customer service representatives are available M-F, 7 a.m. to 7 p.m. More information on understanding your bill and charges can also be found on our website. See the link below.

Para obtener asistencia de traducción en la lectura de su factura, comuníquese con nuestro Centro de Atención al Cliente al 1-800-565-7292 de lunes a viernes de 7 a. m. a 7 p. m.

PA.61.22

For more information about your charges and rates, please visit:  
<https://amwater.com/paaw/rates>

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## LESS PAPER. MORE TREES.

We'll plant one tree for every customer who converts to paperless billing during the month of August for National Water Quality Month!

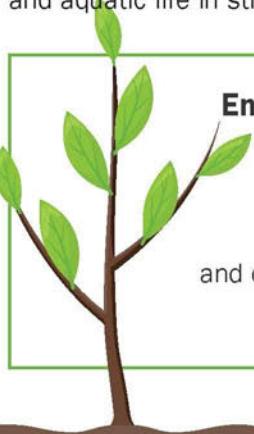
Last year, Pennsylvania American Water launched a campaign to reduce paper usage and plant trees across the Commonwealth. Because of the program's success, we're doing it again this year.



**We're pledging to donate \$12 to the Chesapeake Bay Foundation's Keystone 10 Million Trees Partnership for every customer (up to 2,000) who switches from paper to electronic bills this month.**

Each contribution underwrites the full cost of planting one tree, including a reusable stake and shelter.

**This collaborative project provides sustainable benefits to watersheds across Pennsylvania:** Limiting the impact on forests; reducing waste, energy and fuel use; and improving water quality and aquatic life in streams near tree plantings.



### Enroll in Paperless on MyWater Today

Not registered for MyWater? Visit [amwater.com/mywater](https://amwater.com/mywater) and click on **Sign Up**. Have your account number handy.



### Let's beat 2022's results!

**1,947** customers switched to paperless billing

**\$19,470** contributed to the Chesapeake Bay Foundation by Pennsylvania American Water

**1,947 new trees** planted across the Commonwealth



*Pennsylvania American Water received the 2023 Governor's Award for Environmental Excellence for its 2022 paperless billing/tree planting campaign.*

### Request trees for your property

Take your environmental commitment a step further and request free trees to plant on your property! Trees can help clean your local water, improve your living conditions, create natural shade and privacy, and increase your property value. Visit: <https://tenmilliontrees.org/get-involved/landowners>. Be sure to note that you are a Pennsylvania American Water customer on the online request form at <https://tenmilliontrees.org/contact/landowners>.





# TWO WAYS TO SIMPLIFY AND GO PAPERLESS



**MORE CONVENIENCE. LESS CLUTTER. SECURE.**



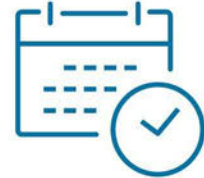
**Receive** your bill electronically with  
**PAPERLESS BILLING**

We'll send you an email with the amount due, the due date and a link to view your bill online (along with any materials that would have been included with your paper bill). We'll also email service-related communications to you.

**It's simple, secure and clutter-free!**

Enroll in **Paperless Billing** and **Auto Pay** on MyWater at [amwater.com/mywater](http://amwater.com/mywater).

**Pay** your bill electronically with  
**AUTO PAY**



Take it one step further and go entirely paperless. Enroll in **Auto Pay**, and your bill will be paid on time, every time, automatically on the due date.

**NEW**

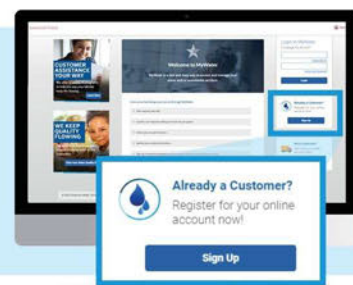
**Customers can now enroll in Auto Pay using their credit card!**

Now, you can choose to have your monthly bill automatically applied to your credit card or deducted directly from your checking or savings account. **No stamps required!**



## NOT ENROLLED IN MYWATER?

Visit [amwater.com/mywater](http://amwater.com/mywater) and click on **Sign Up**. Have your account number handy.





# NOTICE OF PROPOSED WASTEWATER ACQUISITION AND RATE BASE ADDITION

(Docket No. A-2021-3024058)



PENNSYLVANIA  
AMERICAN WATER

Dear Customer:

On July 20, 2023, the Pennsylvania Public Utility Commission (“PUC”) conditionally accepted for filing the application of Pennsylvania-American Water Co. (“Pennsylvania-American”) for approval to acquire the Borough of Brentwood (“Brentwood”) wastewater system assets. Brentwood serves approximately 3,980 customers in Allegheny County. Pennsylvania-American’s application also requests that the PUC authorize an addition of \$19,364,443 to Pennsylvania-American’s rate base pursuant to 66 Pa. C.S. § 1329. A utility’s rate base is the value of property used by the utility to provide service to its customers and is one of many components used to establish customer rates.

This acquisition will not immediately, but may in the future, affect water and/or wastewater bills of Pennsylvania-American customers, including Brentwood wastewater customers. Pennsylvania-American is not requesting a rate increase as part of the acquisition. Your current rates will not change as a result of this acquisition until the conclusion of Pennsylvania-American’s first base rate case where Pennsylvania-American requests and receives PUC approval to increase its rates. Based on a non-binding estimate of the potential rate impacts, Pennsylvania-American anticipates that the potential rate impact could be as follows:

PAWC WASTEWATER				
Rate Class	Average Usage	Average Monthly Bill at PAWC Zone 1 Current Rates	Average Monthly Bill at PAWC Zone 1 Rate Adjusted for Potential Impact of Acquisition	Potential Increase
Residential	3,212 gal/month	\$106.65	\$106.97	\$0.32 or 0.3%
Commercial	22,561 gal/month	\$509.46	\$510.99	\$1.53 or 0.3%
Industrial	528,207 gal/month	\$11,143.19	\$11,176.62	\$33.43 or 0.3%

PAWC WATER				
Rate Class	Average Usage	Average Monthly Bill at PAWC Zone 1 Current Rates	Average Monthly Bill at PAWC Zone 1 2023 Rate Adjusted for Potential Impact of Acquisition	Potential Increase
Residential	3,212 gal/month	\$69.24	\$69.24	\$0.00 or 0.0%
Commercial	22,561 gal/month	\$371.82	\$371.82	\$0.00 or 0.0%
Industrial	528,207 gal/month	\$5,985.09	\$5,985.08	\$0.00 or 0.0%

These amounts could change and will depend on how the PUC chooses to apportion any increase among different types of utility service, rate zones and classes of customers. For Pennsylvania-American customers in a rate zone other than Rate Zone 1, the potential rate impact could vary from the chart above.

## PUC ROLE

The state agency that approves acquisitions and rates for regulated public utilities is the PUC. The PUC will review and investigate the proposed acquisition. After examining the evidence, the PUC may approve, modify or deny the acquisition and may approve, modify or deny the requested addition to rate base.

## ACTIONS YOU CAN TAKE

You can support or challenge Pennsylvania-American’s request by:

- 1. Sending a letter to the PUC.** You can tell the PUC why you support or object to the application in your letter. This information can be helpful when the PUC investigates the application. Send your letter to the Pennsylvania Public Utility Commission, Post Office Box 3265, Harrisburg, PA 17105-3265.
- 2. Attending or presenting testimony at a PUC public input hearing.** You can attend or be a witness at a PUC public input hearing. The PUC holds public input hearings if it opens an investigation of Pennsylvania-American’s transaction and if there is enough interest in the case. At these hearings, you can present your views in person to the PUC judge and to company

representatives. Testimony under oath becomes part of the application case record. The PUC holds these hearings in the service area of the company. For more information, call the PUC at 1-800-692-7380.

- 3. Filing a protest or a petition to intervene.** If you want to be a party to the case, you must file a protest or a petition to intervene. You then have an opportunity to take part in all the hearings about the proposed acquisition. You can receive copies of all materials distributed by the other parties. Protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before October 16, 2023. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission at P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on Pennsylvania-American’s counsel at:

David P. Zambito, Esq.  
Cozen O’Connor  
17 North Second Street, Suite 1410  
Harrisburg, PA 17101

The documents filed in support of the application are available on the PUC’s website at [www.puc.pa.gov](http://www.puc.pa.gov), and for inspection and copying at the Office of the Secretary of the PUC between 8 a.m. and 4:30 p.m., Monday through Friday, and at Pennsylvania-American’s offices at 852 Wesley Drive, Mechanicsburg, PA 17055. The PUC docket number is A-2021-3024058. For more information, you may contact the PUC’s Bureau of Consumer Services at 1-800-692-7380.



## Bill Inserts and Important Notices

We encourage you to click the link(s) below to view any bill inserts and other important notices you would have received with your printed bill.

<https://amwater.com/files/OAPASB.pdf>

<https://amwater.com/files/OAPA84.pdf>

<https://amwater.com/files/OAPA83.pdf>

**ATTACHMENT C (CONFIDENTIAL)**