

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

February 5, 2024

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

Re: Newtown Artesian Water Company Petition
for Approval of Lead Service Line
Replacement Program
Docket No. P-2023-3041859

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Notice of Intervention in the above-referenced proceeding.

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

Respectfully submitted,

/s/ Harrison W. Breitman
Harrison W. Breitman
Assistant Consumer Advocate
PA Attorney I.D. # 320580
HBreitman@paoca.org

Enclosures:

cc: Office of Administrative Law Judge (**email only:** crainey@pa.gov)
Office of Special Assistants (**email only:** ra-OSA@pa.gov)
Sean Donnelly, TUS (**email only:** sdonnelly@pa.gov)
Matthew Lamb, TUS (**email only:** mlamb@pa.gov)
Certificate of Service

CERTIFICATE OF SERVICE

Newtown Artesian Water Company Petition :
for Approval of Lead : Docket No. P-2023-3041859
Service Line Replacement Program :

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate's Notice of Intervention, 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:

Dated this 5th day of February 2024.

SERVICE BY E-MAIL ONLY

Allison Kaster, Esquire
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120
akaster@pa.gov
Counsel for I&E

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

Thomas J. Walsh III, Esquire
Thomas J. Walsh III & Associates, P.C.
3655 Route 202, Suite 105
Doylestown, PA 18902
twalsh@twalshlaw.com
*Counsel for Newtown Artesian
Water Company*

Paul Diskin, Director
Dan Searfoorce, Manager
Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
pdiskin@pa.gov
dsearfoorc@pa.gov

Matthew T. Lamb, P.E.
Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
mlamb@pa.gov

/s/ Harrison W. Breitman
Harrison W. Breitman
Assistant Consumer Advocate
PA Attorney I.D. # 320580
HBreitman@paoca.org

Counsel for:
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
Phone: (717) 783-5048
Dated: February 5, 2024
*4892-0020-5175

Christine Maloni Hoover
Deputy Consumer Advocate
PA Attorney I.D. # 50026
CHoover@paoca.org

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Newtown Artesian Water Co. :
Petition for Approval of :
Lead Service Line : Docket No. P-2023-3041859
Replacement Program :

NOTICE OF INTERVENTION
OF THE
OFFICE OF CONSUMER ADVOCATE

Pursuant to 52 Pa. Code § 5.71-74, the Office of Consumer Advocate hereby gives Notice of Intervention in the above-captioned proceedings. A copy of all correspondence and notices, documents, orders or other communications with respect to the above-captioned proceeding should be addressed to the following:

Harrison W. Breitman
Assistant Consumer Advocate

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

Respectfully submitted,

/s/ Harrison W. Breitman
Harrison William Breitman
Assistant Consumer Advocate
PA Attorney I.D. # 320580
E-Mail: HBreitman@paoca.org

Dated: February 5, 2024

OFFICE OF CONSUMER ADVOCATE
PURSUANT TO 71 P.S. SECTION 309-4(e)

Act 161 of the Pennsylvania General Assembly, 71 P.S. Section 309-2, as enacted July 9, 1976, authorizes the Consumer Advocate to represent the interests of consumers before the Pennsylvania Public Utility Commission (Commission). In accordance with Act 161, and for the following reasons, the Consumer Advocate determined to file a Notice of Intervention and participate in this proceeding before the Commission.

On July 21, 2023, the Newtown Artesian Water Company (Newtown or Company) filed with the Commission a Petition seeking an extension to file Lead Service Line Replacement Program (LSLR Program) and tariff revisions that will allow it to replace customer-owned lead service lines (COLSL), and to recover those costs as provided in Section 1311(b)(2) of the Public Utility Code, which was added to the Public Utility Code pursuant to Act 120 of 2018. 66 Pa. C.S. § 1311(b)(2). In its Petition the Company requested a one hundred and twenty day (120) extension to the date of November 22, 2023 citing the need to accumulate the required information and to design the program.

On August 10, 2023, the OCA filed an Answer to the Company's Petition in the instant docket and noted that the OCA was not opposed to a one hundred and twenty day extension to the date of November 22, 2023, but would not support any further extensions. On November 21, 2023, Newtown filed a Petition for Approval of Lead Service Line Replacement Program. The proposed LSLR program and plan will allow the Company to recover the costs for LSL replacements, both Company-owned and customer-owned, through its base rates and DSIC. 66 Pa. C.S. § 1311(b)(2). For customers, the LSLR plan has the potential to provide both financial and public health benefits. The OCA opposes the Company's Petition for an LSLR Program as filed and requests that the matter be referred to the Office of Administrative Law Judge so that hearings can be held.

The Consumer Advocate has determined that it is necessary to participate in this proceeding to protect the interests of Newton's customers. The Office of Consumer Advocate will seek to ensure that the Company develops a fair and equitable way to implement its program so that the public health and safety issues are fully addressed.