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File #: 203073

February 5, 2024

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Petition of Aqua Pennsylvania, Inc. For Approval of its Lead Service Line
Replacement Program
Docket No. P-2023-3044459**

Dear Secretary Chiavetta:

Attached for filing please find the Prehearing Conference Memorandum of Aqua Pennsylvania, Inc. in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Megan E. Rulli

MER/kl
Attachment

cc: The Honorable Charece Collins (*via email; w/attachment*)
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

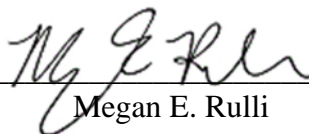
VIA E-MAIL

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PULP@pautilitylawproject.org
Counsel for CAUSE-PA

Date: February 5, 2024



Megan E. Rulli

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Aqua Pennsylvania, Inc. :
For Approval of its Lead Service Line : Docket No. P-2023-3044459
Replacement Program :

**PREHEARING CONFERENCE MEMORANDUM OF
AQUA PENNSYLVANIA, INC.**

TO ADMINISTRATIVE LAW JUDGE CHARECE Z. COLLINS:

Pursuant to 52 Pa. Code § 5.224(c) and the Prehearing Conference Order dated January 22, 2024, Aqua Pennsylvania, Inc. (“Aqua” or the “Company”) hereby submits this Prehearing Conference Memorandum in the above-captioned proceeding, and states as follows:

I. BACKGROUND

On October 23, 2023, Aqua filed its Third Long-Term Infrastructure Improvement Plan (“LTIIIP”) Petition with the Commission at Docket No. P-2023-3043755. Aqua’s Lead Service Line Replacement (“LSLR”) plan was included as Attachment A to the LTIIIP at Docket No. P-2023-3043755.

On November 27, 2023, Aqua filed its Petition for Approval of its Lead Service Line Replacement Program (“LSLR Petition”) at a separate docket from the LTIIIP Petition, Docket No. P-2023-3044459, in response to a concern expressed by the Commission’s Bureau of Technical Utility Services (“TUS”) that the LSLR Petition and the LTIIIP Petition be separately docketed.

On December 15, 2023, the Office of Small Business Advocate (“OSBA”) filed a Notice of Intervention, Public Statement, and Verification at Docket No. P-2023-3044459.

On December 18, 2023, CAUSE-PA filed a Petition to Intervene and Answer to the LSLR Petition at Docket No. P-2023-3044459.

On January 18, 2024, the Office of Consumer Advocate (“OCA”) filed a Notice of Intervention and Public Statement at Docket No. P-2023-3044459.

On January 22, 2024, a Call-In Telephone Prehearing Conference Notice was issued by the Commission, scheduling a telephonic prehearing conference for Thursday, February 8, 2024, before Administrative Law Judge Charece Z. Collins (“ALJ”).

Also on January 22, 2024, the ALJ issued a Prehearing Conference Order, which directed the parties to file Prehearing Memoranda by Noon on February 5, 2024.

Aqua hereby files this Prehearing Conference Memorandum pursuant to the Prehearing Conference Order.

II. SERVICE OF DOCUMENTS

Aqua requests that Alexander R. Stahl, Esquire, Michael W. Hassell, Esquire, Garrett P. Lent, Esquire, and Megan E. Rulli, Esquire, be listed on the service list on behalf of Aqua. Their contact information is provided below:

Alexander R. Stahl (ID # 317012)
Regulatory Counsel
Aqua Services, Inc.
762 W. Lancaster Avenue
Bryn Mawr, PA 19010
Phone: 610-645-1130
Email: astahl@aquaamerica.com

Michael W. Hassell (ID # 34851)
Garrett P. Lent (ID # 321566)
Megan E. Rulli (ID # 331981)
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
Phone: 717-731-1970

Fax: 717-731-1985
Email: mhassell@postschell.com
glent@postschell.com
mrulli@postschell.com

The Company agrees to receive service of documents electronically in this proceeding.

Mr. Hassell will speak on behalf of Aqua at the prehearing conference.

III. DISCOVERY

Aqua does not propose any modifications to the Commission's discovery rules. Aqua is not aware of any discovery disputes.

IV. PROPOSED SCHEDULE

Aqua will work with the other parties to develop a mutually-agreeable litigation schedule. If the parties are able to agree on a schedule before the prehearing conference, the Company will inform the ALJ of the proposed schedule.

To the extent this matter proceeds to an evidentiary hearing, the Company anticipates that one day of hearing would be required.

V. WITNESSES

Aqua intends to present the testimony of Michael Fili, Vice President, Capital Planning, Design and Construction. Mr. Fili's contact information is as follows:

Michael Fili
Vice President, Capital Planning, Design and Construction
Aqua Pennsylvania, Inc.
762 W. Lancaster Avenue
Bryn Mawr, PA 19010
mjfili@aquaamerica.com

To the extent necessary, Aqua's witness will present testimony regarding the Company's LSLR Plan and the processes and procedures Aqua will implement to comply with the Commission's regulations.

Aqua reserves the right to call additional witnesses and to expand the issues addressed in testimony, as necessary, and agrees to notify ALJ Collins and the parties promptly should Aqua determine additional witnesses will be called.

VI. ISSUES

Aqua believes the presently identified issue is whether the proposed LSLR program is consistent with the provisions of Sections 65.54, 65.55, and 65.56 of the Commission's Regulations, such that the LSLR program should be approved and the Company should be permitted to recover the costs related to LSLR replacement under the program through the Company's Distribution System Improvement Charge ("DSIC") and any amounts unrecovered through DSIC, through the Company's base rates. See 52 Pa. Code §§ 65.54-65.56.

The Company's witnesses and evidence will demonstrate that the proposed LSLR program meets those regulatory standards and, therefore, should be approved by the Commission.

VII. EVIDENCE

Aqua plans to submit written testimony of its witnesses and will present other evidence as necessary to substantiate its claims and arguments.

VIII. SETTLEMENT

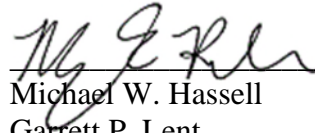
Aqua is willing to work with the parties to fully resolve the matter through settlement, to reach a partial settlement, or to reduce the facts at issue in this case through stipulation.

Alexander R. Stahl
Regulatory Counsel
Aqua Services, Inc.
762 W. Lancaster Avenue
Bryn Mawr, PA 19010
Phone: 610-645-1130
Email: astahl@aquaamerica.com

Of Counsel:
Post & Schell, P.C

Date: February 5, 2024

Respectfully submitted,



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Garrett P. Lent
Megan E. Rulli
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