



February 5, 2024

**Via E-FILE**

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

**Re: Petition of Aqua Pa., Inc., for Approval of its Lead Service Line Replacement Program, P-2023-3044459**

*Prehearing Conference Memorandum of CAUSE-PA*

Dear Secretary Chiavetta:

Please find the **Prehearing Conference Memorandum of CAUSE-PA** in the above-captioned proceeding.

As indicated on the attached Certificate of Service, service on the parties was accomplished by email only.

Respectfully,



John W. Sweet, Esq.  
*Counsel for CAUSE-PA*

CC: *Certificate of Service*  
*Honorable Charece Z. Collins*

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Aqua Pennsylvania, Inc. for Approval : P-2023-3044459  
of its Lead Service Line Replacement Program :

---

**PREHEARING CONFERENCE MEMORANDUM  
OF THE COALITION FOR AFFORDABLE UTILITY SERVICE AND ENERGY  
EFFICIENCY IN PENNSYLVANIA (CAUSE-PA)**

---

**PENNSYLVANIA UTILITY LAW PROJECT**

*Counsel for CAUSE-PA*

John W. Sweet, Esq., PA ID: 320182

Elizabeth R. Marx, Esq., PA ID: 309014

Ria M. Pereira, Esq., PA ID: 316771

Lauren N. Berman, Esq., PA ID: 310116

118 Locust Street

Harrisburg, PA 17101

Tel.: 717-236-9486

Fax: 717-233-4088

[pulp@pautilitylawproject.org](mailto:pulp@pautilitylawproject.org)

**February 5, 2024**

On January 22, 2024, a Prehearing Conference Order was issued by Administrative Law Judge Charece Z. Collins setting a telephonic prehearing conference for Thursday, February 8, 2024 at 10:00 a.m., and requiring parties to file a Prehearing Memorandum no later than 12:00 p.m. on Monday, February 5, 2024. In accordance with that Order, CAUSE-PA, through its counsel at the Pennsylvania Utility Law Project, hereby files this Prehearing Conference Memorandum.

## **I. Background**

On October 23, 2023, Aqua Pennsylvania, Inc., filed for Approval of its Third Long-Term Infrastructure Improvement Plan (LTIIIP) and Lead Service Line Replacement Program (LSLR) at Docket No. P-2023-3043755.

On November 22, 2023, CAUSE-PA filed comments in response to Aqua's petition on the narrow issue of the treatment of tenant consumers who are not the customer of record within the context of Aqua's proposed LSLR program. CAUSE-PA hereby incorporates its comments pursuant to the Commission's regulation section 1.33.<sup>1</sup>

On November 27, 2023, at the direction of the Commission's Bureau of Technical Utility Services (TUS), Aqua filed its LSLR as a separate petition at the above captioned docket.

On December 18, 2023, CAUSE-PA filed a Petition to Intervene in this proceeding.

## **II. Service on CAUSE-PA**

CAUSE-PA is represented by the attorneys at the Pennsylvania Utility Law Project. CAUSE-PA requests consolidated service as follows:

---

<sup>1</sup> Pursuant to 52 Pa. Code § 1.33 CAUSE-PA hereby incorporates by reference: The Comments of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania Regarding the Aqua Pennsylvania, Inc. Petition for Approval of Third Long-Term Infrastructure Improvement Plan and Lead Service Line Replacement Program, P-2023-3043755 (Submitted Nov. 22, 2023).

John W. Sweet, Esq.  
Elizabeth R. Marx, Esq  
Ria M. Pereira, Esq.  
Lauren N. Berman, Esq.  
**PENNSYLVANIA UTILITY LAW PROJECT**  
118 Locust Street  
Harrisburg, PA 17102  
Telephone: 717-236-9486  
Facsimile: 717-233-4088  
E-mail: [pulp@pautilitylawproject.org](mailto:pulp@pautilitylawproject.org)

CAUSE-PA consents to electronic/email service in this proceeding.

**III. Representation of CAUSE-PA at Prehearing Conference**

CAUSE-PA will be represented by John Sweet, Esq. at the Prehearing Conference.

**IV. Issues to be Presented**

CAUSE-PA has preliminarily reviewed Aqua's Petition for its LSLR filings and appreciates Aqua's consideration of tenant consumers in the development of its LSLR program and the steps that it has taken to protect customers from the dangers of partial LSLR replacements. However, while Aqua's LSLR plan provides specific protections for tenant households where "the customer is not the property owner" (Petition at 11-13), the proposed plan fails to address situations where a tenant occupant is not the customer of record but receives service through a lead service line. This situation occurs in landlord-tenant leases where water is included as a component of rent.

As originally proposed, Aqua's LSLR would not provide sufficient protections for tenant occupants who are not the customer of record, yet still face the health and safety risks from lead exposure. Non-customer tenants, as occupants of a residence, are just as susceptible to the health risks associated with lead-contaminated water. Ignoring their inclusion in replacement programs risks perpetuating health disparities, as vulnerable populations residing in rental properties already

face elevated health risks without recourse. The impacts of lead service lines disproportionately affect marginalized communities, where a higher percentage of residents are renters. Excluding non-customer tenants from replacement initiatives places these vulnerable tenants at risk of lead exposure and/or service termination, exacerbating social inequalities and hindering efforts to ensure equal protection from lead exposure.

CAUSE-PA asserts that the issues identified above, along with issues raised by other parties, must be thoroughly reviewed to ensure that all consumers are able to access safe, affordable utility services within Aqua's service territory.

**V. Witnesses and Testimony**

CAUSE-PA is currently evaluating possible witnesses for this proceeding and reserves the right to call witnesses as may be warranted upon proper notice to Your Honor and the parties.

**VI. Discovery**

CAUSE-PA supports the discovery modifications proposed by the Office of Consumer Advocate in its prehearing memorandum.

**VII. Settlement**

CAUSE-PA is currently engaged in settlement discussions with Aqua in an attempt to address our concerns with Aqua's proposed LSLR program.

**VIII. Service**

CAUSE-PA requests that the Commission allow parties, including pro se parties, to serve all documents required to both the Commission and other parties electronically.

**IX. Litigation Schedule**

CAUSE-PA is working with Aqua to develop a mutually agreeable schedule for litigation. CAUSE-PA requests that all hearings in this matter be held virtually or telephonically.

**X. Conclusion**

WHEREFORE, CAUSE-PA respectfully submits this Prehearing Conference Memorandum.

Respectfully submitted,

**PENNSYLVANIA UTILITY LAW PROJECT**  
*Counsel for CAUSE-PA*



---

John W. Sweet, Esq., PA ID: 320182  
Elizabeth R. Marx, Esq., PA ID: 309014  
Ria M. Pereira, Esq., PA ID: 316771  
Lauren N. Berman, Esq., PA ID: 310116  
118 Locust Street  
Harrisburg, PA 17101  
Tel.: 717-236-9486  
Fax: 717-233-4088  
[pulp@pautilitylawproject.org](mailto:pulp@pautilitylawproject.org)

Date: February 5, 2024

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Aqua Pennsylvania, Inc. for Approval : P-2023-3044459  
of its Lead Service Line Replacement Program :

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served copies of the *Prehearing Memorandum of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania* (CAUSE-PA) upon the parties of record in the above captioned proceeding in accordance with the requirements of 52 Pa. Code § 1.54.

**VIA EMAIL**

Alexander R. Stahl, Esq.  
Aqua Services, Inc.  
762 W. Lancaster Avenue  
Bryn Mawr, PA 19010  
[astahl@aquaamerica.com](mailto:astahl@aquaamerica.com)

Michael W. Hassell, Esq.  
Garrett P. Lent, Esq.  
Megan Rulli, Esq.  
Post & Schell, P.C.  
17 North Second Street  
12th Floor  
Harrisburg, PA 17101-1601  
[mhassell@postschell.com](mailto:mhassell@postschell.com)  
[glent@postschell.com](mailto:glent@postschell.com)  
[mrulli@postschell.com](mailto:mrulli@postschell.com)

Allison Kaster, Esq.  
Bureau of Investigation & Enforcement  
Commonwealth Keystone Building  
400 North Street, 2nd Floor West  
Harrisburg, PA 17105-3265  
[akaster@pa.gov](mailto:akaster@pa.gov)

Steven C. Gray, Esq.  
Office of Small Business Advocate  
555 Walnut Street  
Forum Place, 1st Floor Harrisburg, PA 17101  
[sgray@pa.gov](mailto:sgray@pa.gov)

Harrison W. Breitman, Esq.  
Melanie J. El Atieh, Esq.  
Office of Consumer Advocate  
555 Walnut Street Forum Place, 5th Floor  
Harrisburg, PA 17101-1923  
[HBreitman@paoca.org](mailto:HBreitman@paoca.org)  
[MElAtieh@paoca.org](mailto:MElAtieh@paoca.org)

**PENNSYLVANIA UTILITY LAW PROJECT**  
*Counsel for CAUSE-PA*

A handwritten signature in black ink, appearing to read "John W. Sweet", with a horizontal line above it.

John W. Sweet, Esq., PA ID: 320182  
118 Locust Street  
Harrisburg, PA 17101  
717-236-9486  
[PULP@pautilitylawproject.org](mailto:PULP@pautilitylawproject.org)

**February 5, 2024**