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Pennsylvania Public  
Utility Commission,  
v.  
Pennsylvania-American  
Water Company

Docket Nos.:  
R-2023-3043189  
R-2023-3043190

Call-In Telephonic  
Evidentiary Hearing  
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Docket Nos. R-2023-3043189/R-2023-3043190

Hearing Date: March 8, 2024

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CAUSE-PA and PA		
American Water		
Joint Stipulation of		
Kyle Donahue and PA		
American Water Company	2198	2198

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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**JOINT STIPULATION OF**

**THE COALITION FOR AFFORDABLE UTILITY SERVICES AND ENERGY  
EFFICIENCY IN PENNSYLVANIA (CAUSE-PA)**

**AND**

**PENNSYLVANIA-AMERICAN WATER COMPANY**

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The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) and Pennsylvania-American Water Company (PAWC) (together, Stipulating Parties) by their respective counsel, hereby enter into a Joint Stipulation with regard to the above-captioned proceeding as follows:

1. The Stipulating Parties respectfully request that the following interrogatory responses, attached hereto as Attachment A, be admitted into the evidentiary record in the above-captioned proceeding, and stipulate to the accuracy and truthfulness of the facts and data contained therein:

CAUSE-PA-IV-1  
CAUSE-PA-IV-2

**WHEREFORE**, the Stipulating Parties, by their respective counsel, respectfully request that the Honorable Administrative Law Judges Christopher P. Pell and John Coogan, admit the foregoing interrogatory responses into the record in this proceeding.

Respectfully submitted,

*Counsel for CAUSE-PA*



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Dated: March 7, 2024

DB1/ 145181714.1

**Pennsylvania-American Water Company**  
**Docket Nos. R-2023-3043189 (Water)**  
**R-2023-3043190 (Wastewater)**  
**CAUSE-PA Set 4**

**CAUSE-PA 04-001**

**Responsible Witness:** Ashley E. Everette, Senior Director of Rates and Regulatory for PAWC

**Question:**

Please specifically describe any and all communications that PAWC had with witnesses who testified at a public input hearing in this matter regarding the public input hearings and/or PAWC's proposals or positions in this proceeding. Please also:

- A. Indicate the date of the communication, the name of the person and/or organization to which this communication was with, the content of the communication, and the means of communication (e.g. email, letter, etc.);
- B. Provide a copy of all emails, letters, or other documents related to or describing these communications, and indicate the recipient and date of the provided communication.

**Response:**

Please refer to CAUSE-PA 04-001\_Attachment for a list of witnesses from the Public Input Hearing with whom PAWC communicated prior to the hearing. These communications were done by phone or email between January 9, 2024, and February 7, 2024. The Company did not track the requested information to the level of detail requested in this interrogatory; however, please see below for a sample of the email that was sent. Where the communication was by telephone, the message was based on these same points. Note that the email below includes hyperlinks to several publicly available pages on PAWC's website.

Refer also to CAUSE-PA 04-002\_Attachment.

**Sample outreach:**

As follow-up to our phone conversation, I wanted to thank you again for considering participating in the upcoming PUC hearings on [Pennsylvania American Water's 2023 rate case](#). Testimonials in support of our company's infrastructure upgrades, community support, customer service, operational excellence and/or customer assistance programs all go a long way in helping reinforce our message to the Commission that we are committed to investing in our systems, operating efficiently, and being a good corporate citizen in the communities we serve.

Below are a few resources you may find helpful in preparing your remarks:

- [Infrastructure upgrades](#)
- [Customer assistance programs](#)

- [Community impact/community partnerships](#)
- [Lead service line replacement program](#)
- [Environmental stewardship](#)

Four in-person public input hearings will be scheduled for the week of Jan. 29, with times, dates and locations to be announced in the near future. I will follow up with that information as soon as it becomes available. While in-person participation is certainly preferred, if you are unable to attend in-person, telephonic hearings will take place the week of Feb. 5. Again, I will follow up with more details as soon as they become available.

If you are willing to speak, you will be asked to make your remarks "on the record" so they can be captured as part of the formal proceeding. Representatives from the parties involved in the case may ask you questions about your testimony once you have concluded your remarks. If you have any questions about what to expect, please let me know and I will make sure you have sufficient knowledge of the process to feel comfortable testifying. Unfortunately, letters are not accepted as part of the record of the case.

Thank you again for your time and consideration.

Sincerely,

<b>Name</b>
John Papalia
Muriel Nuttall
Laura Manion
Mike Grigolonis
Gary Sanderson
Kurt Henry
Robert Hughes
Brian Winslow
Vern Ohler
Richard Black
Justin Bruce
John Brutz
David Beinhower
Tim Chamberlain
Nelly Jimenez-Arevalo
Rep. Donna Oberlander
Diana Goodshall
Bill Adams
Rae Lynn Cox
Jim Gross
Katie Herington-Cunfer
Evan Midler
Steve Strange
Lisa Brown
Ed Powers
Billy Kukurin
Len Wilson
Jason Winey
Bob Bielich
Dan Felack Sr
State Rep. Bud Cook
Kathy Anderson-Martin
Jason Beale

<b>Name</b>
Chip Hitz
Mick Iskric
Jessica Kemmerer
Kevin Hall
Brian Proctor
Will Dingman
John Maday
Ellen Ferretti
John Augustine
Rich Jenkins
Bruce Reddock
Bill Hotaling
Art Auchenbach
Tim Fetchel
Jordan Grady
Jody Roberson
Will Thomier
Emanuel Paris
Joe Casilli
Chris Heck
Jamie Colecchi

**Pennsylvania-American Water Company**  
**Docket Nos. R-2023-3043189 (Water)**  
**R-2023-3043190 (Wastewater)**  
**CAUSE-PA Set 4**

**CAUSE-PA 04-002**

**Responsible Witness:** Ashley E. Everette, Senior Director of Rates and Regulatory for PAWC

**Question:**

Please provide a copy of any scripting, talking points, or any other communication indicating topics for discussion that were provided to testifiers at the public input hearings in this matter related to the public input hearings or PAWC's proposals or positions in this proceeding. For each communication, script, or talking point, please also indicate:

- A. To whom the communication was sent;
- B. When the communication was sent.

**Response:**

With the exception of the communication provided as CAUSE-PA 04-002\_Attachment, the Company did not provide "scripting" or "talking points" to witnesses at the Public Input Hearings. Please refer to the Company's response to CAUSE-PA 04-001 for a sample of the communication with these witnesses. As stated in the response to CAUSE-PA 04-001, these communications were between January 9, 2024, and February 7, 2024.

**From:** [Brent Robinson](#)  
**To:** [Rachel Willson](#)  
**Subject:** Information For The PUC Testimony  
**Date:** Monday, February 5, 2024 8:27:00 AM

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Good morning Rachel, I spoke to Bud over the weekend. Bud agreed to call in to the telephonic PUC hearing regarding the next rate case adjustment. We are grateful that Bud would be willing to say a few words about the recent East Dunkard Receivership and how it will help the community. Bud asked if I could send you a few bullet points for him. See below:

**Information to register:** Please keep in mind that since he is an elected official he gets to testify at the very beginning and will not have to wait no matter how people sign up to testify.

To pre-register for either in-person or telephonic public input hearings, contact the OCA by phone at 1-800-684-6560 or by email at [consumer@paoca.org](mailto:consumer@paoca.org) and provide the following:

1. Your first and last name.
2. The date and time of the public input hearing.
3. A phone number where you can be reached prior to the hearing.
4. Your email address (if you have one).
5. If you require an interpreter to participate in the hearing, the language of the interpreter.

**Wednesday, Feb. 7, 2024**

Hearing #1 will begin at 1 p.m.

Hearing #2 will begin at 6 p.m.

Please note that there are currently 9 people registered for the Feb 7<sup>th</sup>, 1pm session. 10 for the Feb 7<sup>th</sup> 6pm session.

### Talking points:

- Just a little history, East Dunkard Water Authority has struggled with water quality issues for some time. In fact, as recently as this past October, due to a filtration issue the plant was unable to produce water as two of the holding tanks went dry. As a result, the system was depleted and unfortunately all 1,800 homes and businesses in the network were without water for approximately three days
- I am very pleased that Pennsylvania American Water Company has stepped up to the plate and has the resources and expertise to take this troubled system over

The East Dunkard Authority voted last week to authorize Pennsylvania American Water to assume control of its water system as the receiver.

- I am excited about the opportunity that Pennsylvania American Water is ready to work with the authority's employees to provide its customers with safe, reliable drinking water and service in this area of my district
- My staff and I look forward to partnership with Pennsylvania American Company as we look forward to safe and quality water services to my constituents.
- My Office will work with PA American Water and their staff regarding their Customer Assistance Programs and educating our seniors and low income customers for water discounts

Please note the OCA-Consumer Advocacy Office may ask you 2 questions:

1. Are you a PA American Water Customer-no biggie here, I assume it's a no
2. Were you asked to testify-you can answer, absolutely yes. You can transition here that you have been working with us on the Receivership and we asked you to share that experience.
3. Are you going on the record to support a rate increase-you can say, I am not here to advocate for rate increase, I trust that's why you are having hearings and I trust you will take everything into account and the PUC and PA Water will work out a fair and balanced solution for the customers

Let me you know if you need anything to help transition any thoughts.

We really appreciate all your help and can't thank Bud enough for his willingness to express that this receivership is a good thing for the community and letting the PUC hear it!

Brent Robinson  
Manager, Government and Regulatory Affairs

Pennsylvania American Water  
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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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**JOINT STIPULATION OF**

**KYLE DONAHUE**

**AND**

**PENNSYLVANIA-AMERICAN WATER COMPANY**

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Kyle Donahue (Donahue) and Pennsylvania-American Water Company (PAWC) (together, Stipulating Parties) hereby enter into a Joint Stipulation with regard to the above-captioned proceeding as follows:

1. The Stipulating Parties respectfully request that the following interrogatory responses, attached hereto as Attachment A, be admitted into the evidentiary record in the above-captioned proceeding, and stipulate to the accuracy and truthfulness of the facts and data contained therein:

PAWC-DONAHUE-I-1  
PAWC-DONAHUE-I-2  
PAWC-DONAHUE-I-3  
PAWC-DONAHUE-I-4  
PAWC-DONAHUE-I-5

**WHEREFORE**, the Stipulating Parties respectfully request that the Honorable Administrative Law Judges Christopher P. Pell and John Coogan, admit the foregoing interrogatory responses into the record in this proceeding.

Respectfully submitted,

*Kyle Donahue*

*Kyle Donahue*

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*Kenneth M. Kulak*

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Dated: March 7, 2024

## **Attachment A**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>PENNSYLVANIA PUBLIC UTILITY COMMISSION</b>	:	
	:	
v.	:	<b>DOCKET NO. R-2023-3043189</b>
	:	<b>DOCKET NO. R-2023-3043190</b>
<b>PENNSYLVANIA-AMERICAN WATER COMPANY</b>	:	
	:	

**KYLE DONAHUE RESPONSE TO INTERROGATORIES OF  
PENNSYLVANIA-AMERICAN WATER COMPANY SET I**

PAWC-DONAHUE-I-1. Reference Donahue Statement No. 1, page 2, lines 12-13. Please set forth the basis for the calculation of “70% increase” referenced in Mr. Donahue’s testimony.

**Answer:** The basis for the calculation of a 70% increase in the testimony of Kyle Donahue is basic math. The wastewater reates were \$55.75 and were raised to \$95.01 as a result of the 2022 settlement. That is an increase of \$39.26 or 70.4%.

PAWC-DONAHUE-I-2. Reference Donahue Statement No. 1, page 2, lines 14-15. Please set forth the factual basis for Mr. Donahue’s statement that “my constituents received no prior notification of any potential rate increase.” If Mr. Donahue is contending that none of his constituents received notice of any Pennsylvania-American Water Company prior rate proceeding that could affect their water or wastewater rates in 2023, please confirm that contention.

**Answer:** Not one ratepayer was made aware of the 70% increase that was the result of the settlement agreement in December 2022 until after it was approved by the PUC. Furthermore, the City of Scranton and Borough of Dunmore did not receive any advance notice that any potential settlement agreement included any increase for ratepayers in either municipality.

PAWC-DONAHUE-I-3. Reference Donahue Statement No. 1, page 2, line 25. Please provide the actual number of calls received in 2023 by Mr. Donahue’s office, by month, with regard to Pennsylvania-American Water Company’s prior rate increase and provide any supporting documentation for the number of monthly calls relating to that rate increase.

**Answer:** My office does not keep track of specific complaints of this nature unless a casework file is opened which only occurs

when my office assists constituents with state-related issues. However, once a outside organization was set up to assist ratepayers with filing official complaints, my office would refer constituents to that office. That outside organization assisted hundreds of ratepayers in Scranton and Dunmore to file official complaints in this case.

PAWC-DONAHUE-I-4.

Reference Donahue Statement No. 1, page 3, line 32. Please set forth the factual basis for Mr. Donahue's statement that "the average ratepayer age is 62."

**Answer:** This average age of 62 for ratepayers is for ratepayers who live in the City of Scranton and Borough of Dunmore that live in single family dwellings. This does not include renters, business owners or multi-family dwellings. The source of that information is AARP.

PAWC-DONAHUE-I-5.

Reference Donahue Statement No. 1, page 6, lines 149-151. Please set forth the factual basis for Mr. Donahue's contention that "they can add 10.8% to all infrastructure work" and that "PAWC would lose revenue if they took advantage of PennVEST."

**Answer:** The number actually comes from PAWC rate request that this case is based on. This includes a 10.95% Return on Equity for water and wastewater. Given that PAWC is requesting a Return of Equity of 10.95% and an Overall Rate of Return of 8.17% on both Water and Wastewater at a time when there are historic levels of government funding available for infrastructure improvements, yet PAWC has not applied for one state or federal grant; the only logical conclusion is that would negatively impact PAWC bottom line.

Respectfully Submitted,



Kyle Donahue

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>PENNSYLVANIA PUBLIC UTILITY COMMISSION</b>	:	
	:	
v.	:	<b>DOCKET NO. R-2023-3043189</b>
	:	<b>DOCKET NO. R-2023-3043190</b>
<b>PENNSYLVANIA-AMERICAN WATER COMPANY</b>	:	
	:	

**KYLE DONAHUE RESPONSE TO INTERROGATORIES OF  
PENNSYLVANIA-AMERICAN WATER COMPANY SET I**

**VERIFICATION**

I, Kyle Donahue, verify that the statements made in these Responses to Interrogatories in the above-captioned proceeding are true based upon information provided to me, and are true and correct to the best of my personal knowledge, information or belief. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities)

Date: February 20, 2024



Kyle Donahue