



COMMONWEALTH OF PENNSYLVANIA

April 19, 2024

E-FILED

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

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

Dear Secretary Chiavetta:

Enclosed please find the Prehearing Memorandum, on behalf of the Office of Small Business Advocate (“OSBA”), in the above-captioned proceeding.

Copies will be served on all known parties in this proceeding, as indicated on the attached Certificate of Service.

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

Sincerely,

/s/ Steven C. Gray

Steven C. Gray
Senior Attorney
Assistant Small Business Advocate
Attorney ID No. 77538

Enclosures

cc: Brian Kalcic
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**PREHEARING MEMORANDUM
OF THE OFFICE OF SMALL BUSINESS ADVOCATE**

I. INTRODUCTION

The Office of Small Business Advocate (“OSBA”) is authorized to represent the interests of small business customers of utility services before the Pennsylvania Public Utility Commission (“Commission”) pursuant to the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 – 399.50 (“the Act”). In order to discharge this statutory duty, the Small Business Advocate deems it necessary to participate as a party to these proceedings. Representing the OSBA in the above-referenced matter are Assistant Small Business Advocates Steven Gray and Rebecca Lyttle.

Please address all correspondence in that matter as follows:

Steven Gray
Senior Attorney
Assistant Small Business Advocate
Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
(717) 783-2525/(717) 783-2831 (fax)
sgray@pa.gov

Rebecca Lyttle
Assistant Small Business Advocate
Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
(717) 783-2525/(717) 783-2831 (fax)
relyttle@pa.gov

II. FILING BACKGROUND

On November 21, 2023, Newtown Artesian Water Company, Inc. (“NAWC” or the “Company”) filed a Petition for a Lead Service Line Replacement (“LSLR”) Program, related Tariff changes, and the modification of the Company’s Long-Term Infrastructure Improvement Plan (“Petition”) with the Commission.

The Office of Small Business Advocate (“OSBA”) filed a Notice of Intervention on August 11, 2023, after NAWC filed its Petition for Extension of Time to file its LSLR Program on July 21, 2023.

III. IDENTIFICATION OF WITNESS AND TENTATIVE ISSUES

Assisting in the development and presentation of the OSBA’s case in this proceeding will be:

Mr. Brian Kalcic
Excel Consulting
7330 Dorset Avenue
St. Louis, MO 63130
excel.consulting@sbcglobal.net

The OSBA will participate in this proceeding to assure that the interests of NAWC’s small business customers are adequately represented and protected.

At the time of this writing, the OSBA is reviewing the materials submitted by the Company. Nevertheless, the OSBA has identified the following list of issues that it will evaluate in this proceeding:

1. Whether the Company’s proposed annual caps on the number of service lines replaced and the annual investment in lead service line replacements are reasonable.
2. Whether the Company’s proposal for prioritizing LSLR projects is reasonable and appropriate.

The OSBA reserves the right to pursue additional issues that may arise throughout this

proceeding.

IV. SERVICE OF DOCUMENTS

In accordance with 52 Pa. Code § 1.54(b)(3)(i), the OSBA agrees to accept electronic mail delivery of documents on the due date¹ as satisfying the in-hand requirement. The OSBA requests that email delivery of documents also be provided to its witnesses identified above.

In addition to email copies of pleadings, briefs, and exceptions, the OSBA requests email copies of responses to discovery propounded by the OSBA or any other party.

V. SETTLEMENT

The OSBA notes its willingness to enter into settlement discussions at the appropriate phase of this proceeding.

VI. HEARING AND BRIEFING SCHEDULE

At the time of this writing, the parties are working to develop a procedural schedule.

Respectfully submitted,

/s/ Steven Gray

Steven Gray
Senior Attorney
Assistant Small Business Advocate
Attorney ID # 77538

Commonwealth of Pennsylvania
Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, Pennsylvania 17101

Dated: April 19, 2024

¹ In accordance with 52 Pa. Code § 1.56(a)(5), documents must be received by 4:30 pm.

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CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served via email (*unless other noted below*) upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

The Honorable F. Joseph Brady
Administrative Law Judge
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107
fbrady@pa.gov

Harrison W. Breitman, Esquire
Office of Consumer Advocate
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Director
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Thomas J. Walsh III, Esquire
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DATE: April 19, 2024

/s/ Steven C. Gray
Steven C. Gray
Senior Attorney
Assistant Small Business Advocate
Attorney ID No. 77538