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April 25, 2024

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

RE: Salvatore and Elizabeth Galante, et. al. v. Pennsylvania-American Water Company

Docket Nos. C-2023-3042213, C-2023-3042588, C-2023-3042295, C-2023-3042822, C-2023-3042332, C-2023-3043135, C-2023-3042334, C-2023-3043222, C-2023-3042343, C-2023-3043458, C-2023-3042348, C-2023-3043459, C-2023-3042377, C-2023-3043676, C-2023-3042486, C-2023-3043677, C-2023-3042487, C-2023-3043734, C-2023-3042545, C-2023-3042488, C-2023-3042641, C-2023-3042639, C-2023-3042265

Dear Secretary Chiavetta:

Enclosed for filing on behalf of Pennsylvania-American Water Company is its Prehearing Conference Memorandum in the above-referenced matter. A copy has been served on the Complainants in accordance with the attached Certificate of Service.

If you have any questions, please feel free to contact me.

Very truly yours,

STEVENS & LEE



Michael A. Gruin

Enc.

cc: Certificate of Service
Administrative Law Judge Marta Guhl, via email

Allentown • Bergen County • Bala Cynwyd • Fort Lauderdale • Harrisburg • Lancaster • New York
Philadelphia • Princeton • Reading • Rochester • Scranton • Valley Forge • Wilkes-Barre • Wilmington
A PROFESSIONAL CORPORATION

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SALVATORE AND ELIZABETH GALANTE;	:	Docket No. C-2023-3042213
LOUISE SPINELLI;	:	Docket No. C-2023-3043734
SANDRA GRZYBICKI;	:	Docket No. C-2023-3043677
LANA GRZYBICKI;	:	Docket No. C-2023-3043676
JOSEPH PETROSKY;	:	Docket No. C-2023-3043459
FRANK SERAFINI;	:	Docket No. C-2023-3043458
ADRIAN J. MIHALKO;	:	Docket No. C-2023-3043222
RYAN R. MCBRIDE;	:	Docket No. C-2023-3043135
DAVID AND JEAN WADAS;	:	Docket No. C-2023-3042588
LAURIE CIECIUCH;	:	Docket No. C-2023-3042545
PATRICK AND ANDREA FRICCHIONE;	:	Docket No. C-2023-3042488
PATRICK DUNLEAVY;	:	Docket No. C-2023-3042487
MICHAEL KOWALSKI;	:	Docket No. C-2023-3042486
DOMINICK YORK;	:	Docket No. C-2023-3042377
RAJAB DASTGIR;	:	Docket No. C-2023-3042348
RICHARD POLACHEK;	:	Docket No. C-2023-3042343
JAMES H. SNYDER;	:	Docket No. C-2023-3042334
PORNTIPA MUKDASATIT;	:	Docket No. C-2023-3042332
MARK AND EILEEN LYONS;	:	Docket No. C-2023-3042295
PAUL KOBIERECKI;	:	Docket No. C-2023-3042822
Complainants	:	
	:	
v.	:	
	:	
PENNSYLVANIA-AMERICAN	:	
WATER COMPANY	:	
Respondent	:	

**PREHEARING CONFERENCE MEMORANDUM OF
PENNSYLVANIA AMERICAN WATER COMPANY**

STEVENS & LEE



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COUNSEL FOR PENNSYLVANIA
AMERICAN WATER COMPANY

DATE: April 25, 2024

Pursuant to 52 Pa. Code § 5.222 and the Prehearing Conference Order issued by Administrative Law Judge Marta Guhl on April 8, 2024, Pennsylvania-American Water Company (“PAWC” or the “Company”) respectfully submits its Prehearing Conference Memorandum in the above-captioned matter.

I. BACKGROUND

This proceeding involves twenty-two nearly identical Formal Complaints (the “Complaints”) filed by Complainants against PAWC. All of the Complainants receive wastewater service from a municipal authority, the Lackawanna River Basin Sewer Authority (“LRBSA”), and all of the Complaints dispute the wastewater rates being charged by LRBSA, as well as certain billing practices of the LRBSA.

PAWC provides bulk wastewater acceptance, conveyance, treatment and disposal services to LRBSA, but does not provide wastewater service to any of the Complainants. PAWC does not bill the Complainants for wastewater service, and the Company does not own the collection lines used by LRBSA to provide LRBSA’s wastewater service to the Complainants.

The Complaints all request “relief from a rate increase” and request explanations of the amounts that LRBSA is billing its customers each month. Many of the complaints include copies of billings and other correspondence from LRBSA to the Complainants.

Because all of the Complaints involve the identical issues, and include nearly verbatim allegations and requests for relief, PAWC’s position is that the Complaints should be consolidated for purposes of hearing and resolution.

II. ISSUES FOR RESOLUTION

Based on the statements included in the Complaints, it appears that all of the Complainants are complaining about the amount of their wastewater charges from the LRBSA

and the manner in which LRBSA billed them. The Interim Order denying PAWC's Motion for Judgement on the Pleadings identified two factual issues that require resolution. That Interim Order stated:

“Specifically, there are questions regarding how the LRBSA are charging their customers related to the PAWC charges. Further, there are questions regarding how the Company interacts with other entities such as the LRBSA.”

Issues regarding how LRBSA issued invoices to customers, or allegations regarding billing mistakes or discrepancies are outside the scope of this proceeding, because LRBSA is not a utility under the Commission's jurisdiction, and PAWC has no involvement in the issuance of LRBSA's invoices to customers.

Accordingly, the sole issue for resolution is whether PAWC acted reasonably and in accordance with its tariff and the Commission-approved agreement between PAWC and LRBSA regarding PAWC's provision of bulk wastewater acceptance, conveyances, treatment and disposal services to LRBSA. PAWC's position is that PAWC has complied in all respect with that agreement, as well as with PAWC's Commission-approved tariff.

III. WITNESSES

PAWC's expects to present the testimony from the following witness:

Jeremy F. Hull
Operations Manager
Pennsylvania American Water Company
Scranton Wastewater
2500 Sanitary Drive
Scranton, PA 18505
Phone: 570-614-3333

Mr. Hull is expected to present evidence in testimony regarding PAWC's provision of bulk wastewater acceptance, conveyances, treatment and disposal services to LRBSA, and the information that PAWC provides LRBSA that LRBSA uses to bill its customers.

In addition, PAWC may present testimony from an additional witness regarding the history of the agreement between LRBSA and PAWC related to PAWC's provision of bulk wastewater acceptance, conveyances, treatment and disposal services to LRBSA, and its approval by the Commission. However, PAWC has not yet identified who this witness will be.

PAWC reserves the right to identify and present the testimony of additional witnesses, as necessary, depending on the additional issues raised by other parties to the proceeding.

IV. PROPOSED PLAN AND SCHEDULE OF DISCOVERY

PAWC proposes that the discovery period should close on June 30, 2024. PAWC proposes that any discovery requests from Complainants should be issued by the Complainants on a consolidated basis, in the interest of efficiency and to prevent duplication and administrative burden.

PAWC proposes that all discovery requests and responses should be transmitted electronically only.

V. HEARING PROCEDURE AND TIMING

As stated above, because all of the Complaints involve the identical issues, and include nearly verbatim allegations and request for relief, PAWC's position is that the Complaints should be consolidated for purposes of hearing and resolution. PAWC proposes that the hearing take place telephonically, with proposed Exhibits provided ten (10) days in advance of the hearing

and pre-marked for identification purposes. PAWC proposes that the Complainants submit consolidated exhibits.

To the extent possible, PAWC would propose that the Complainants identify a single individual, or small group of individuals, to testify on behalf of the entire group of Complainants, due to the fact that all of the Complainants are complaining about the same issue.

PAWC believes one day should be sufficient for the hearing.

PAWC proposes that the parties submit post-hearing briefs and reply briefs after the conclusion of the evidentiary hearing.

VI. POSSIBILITY OF SETTLEMENT

PAWC is open to the possibility of exploring settlement. To that end, PAWC believes there may be a certain level of misunderstanding regarding its role in the provision of the Complainants' wastewater service, and differences between PAWC and LRBSA in terms of operations and PUC jurisdiction. PAWC is amenable to holding discussions with representatives of the Complainants so that PAWC can get a better understanding of the Complainants' concerns that are specific to PAWC, if any, and the parties can discuss what options might be available to address those concerns.

Respectfully submitted,
STEVENS & LEE



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Tel. (717) 255-7365
COUNSEL FOR PENNSYLVANIA
AMERICAN WATER COMPANY

DATE: April 25, 2024

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Complainants	:	
	:	
	:	
v.	:	
	:	
	:	
PENNSYLVANIA-AMERICAN	:	
WATER COMPANY	:	
Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Prehearing Conference Memorandum upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Via Electronic Mail and First Class Mail (unless otherwise indicated)

Salvatore and Elizabeth Galante 4103 Austen Close Moosic, PA 18507	Adrian J. Mihalko 2004 Robinson Close 20-D Moosic, PA 18507
Louise Spinelli 228 Thoreau Drive Moosic, PA 18507	Ryan R. McBride 6 Beckett Close Moosic, PA 18507
Sandra Grzybicki 1062 Beaumont Road Berwyn, PA 18507	David and Jean Wadas 29 Alpine Drive Moosic, PA 18507
Lana Grzybicki 16 Alpine Drive Moosic, PA 18507	Laurie Ciecich 1601 Robinson Close Moosic, PA 18507
Joseph Petrosky 237 Thoreau Drive Moosic, PA 18507	Patrick and Andrea Fricchione 110 Glenmaura Drive Moosic, PA 18507
Frank Serafini 603 Main Street Moosic, PA 18507	Patrick Dunleavy 801 O'Henry Close Moosic, PA 18507
Michael Kowalski 24 Emerson Drive Moosic, PA 18507	James H. Snyder 904 O'Henry Cose Moosic, PA 18507
Dominick York 9 Kipling Drive Moosic, PA 18507	Porntipa Mukdasatit 2005 Robinson Close Moosic, PA 18507
Rajab Dastgir 25 Alpine Drive Moosic, PA 18507	Mark and Eileen Lyons 325 Glenmaura Drive Moosic, PA 18507
Richard Polacheck 1905 Robinson Close 19-6 Moosic, PA 18507	Paul Kobierecki 109 Glenmaura Drive Moosic, PA 18507
Bernard Povanda 21 Kipling Dr. Moosic, PA 18507	Kathleen Povanda 2204 Robinson Close Moosic, A 18507 <i>(via first class U.S. Mail only)</i>

Michael A. Guin

DATED: April 25, 2024

Michael A. Guin