



COMMONWEALTH OF PENNSYLVANIA

May 31, 2024

**E-FILED**

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

**Re: Pennsylvania Public Utility Commission v. Aqua Pennsylvania, Inc. and Aqua  
Pennsylvania Wastewater, Inc. / Docket Nos. R-2024-3047822 & R-2024-3047824**

Dear Secretary Chiavetta:

Enclosed please find the Complaint, Public Statement, and Verification on behalf of the Office of Small Business Advocate (“OSBA”), in the above-captioned proceedings.

Copies will be served on all known parties in these proceedings, 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**

<b>Pennsylvania Public Utility Commission</b>	:	
	:	
v.	:	<b>Docket Nos. R-2024-3047822</b>
	:	<b>R-2024-3047824</b>
<b>Aqua Pennsylvania, Inc. and Aqua Pennsylvania Wastewater, Inc.</b>	:	

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**COMPLAINT OF THE  
SMALL BUSINESS ADVOCATE**

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1. The Complainant is:

NazAarah Sabree  
Small Business Advocate  
Forum Place  
555 Walnut Street, 1<sup>st</sup> Floor  
Harrisburg, PA 17101  
(717) 783-2525

2. The name and address of the attorneys for the Office of Small Business Advocate (“OSBA”) are:

Steven C. Gray, Esq.  
Senior Attorney  
Assistant Small Business Advocate  
Office of Small Business Advocate  
Forum Place  
555 Walnut Street, 1<sup>st</sup> Floor  
Harrisburg, PA 17101  
(717) 783-2525  
[sgray@pa.gov](mailto:sgray@pa.gov)

Rebecca Lyttle, Esq.  
Assistant Small Business Advocate  
Office of Small Business Advocate  
Forum Place  
555 Walnut Street, 1<sup>st</sup> Floor  
Harrisburg, PA 17101  
(717) 783-2525  
[relyttle@pa.gov](mailto:relyttle@pa.gov)

3. The respondent utility is:

Essential Utilities, Inc.  
Aqua Pennsylvania  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010

4. The Complainant is authorized and directed by the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50, to represent the interests of small business consumers of utility services in matters before the Pennsylvania Public Utility Commission (“Commission”).

5. This Complaint is filed against the rates, terms, and other provisions of Original Tariff Water-Pa. P.U.C. No. 4 and Original Tariff Sewer-Pa. P.U.C. No. 4 (collectively, the “Tariffs”), which were filed on May 23, 2024, by Aqua Pennsylvania, Inc., and Aqua Pennsylvania Wastewater, Inc. (collectively “Aqua PA” or the “Company”). The proposed Tariffs, if approved by the Commission, would increase Aqua PA’s total annual operating revenues by approximately \$126.7 million.

6. After preliminary review of the materials filed by the Company in support of the proposed Tariffs, Complainant believes, and therefore avers, that those materials may be insufficient to justify the rate increase requested and that the Company’s present and proposed rates, rules, and conditions of service may be unjust, unreasonable, unduly discriminatory, and otherwise contrary to law, particularly as they pertain to small business customers.

7. Complainant believes, and therefore avers, that the Company’s proposed Tariffs and proposed rates, rate design, and revenue allocation are or may be unjust, unreasonable, and unlawfully discriminatory in violation of, *inter alia*, Sections 1301 and 1304 of the Public Utility Code, 66 Pa.C.S. §§1301 and 1304, and contrary to appropriate public policy and sound ratemaking considerations and may not be supported by the materials filed by Aqua PA.

8. In view of the foregoing, the Small Business Advocate respectfully requests that the Pennsylvania Public Utility Commission:

- A. Suspend and investigate the operation of Original Tariff Water-Pa. P.U.C. No. 4 and Original Tariff Sewer-Pa. P.U.C. No. 4;
- B. At the conclusion of such investigation, reject the proposed new rates and other changes in Original Tariff Water-Pa. P.U.C. No. 4 and Original Tariff Sewer-Pa. P.U.C. No. 4 to the extent required to ensure that Aqua PA's rates are lawful, just, reasonable, and not unduly discriminatory to small business customers; and
- C. Grant such other relief as may be necessary or appropriate.

Respectfully submitted,

*/s/ Steven C. Gray*

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


Commonwealth of Pennsylvania  
Office of Small Business Advocate  
Forum Place  
555 Walnut Street, 1<sup>st</sup> Floor  
Harrisburg, PA 17101  
(717) 783-2525  
(717) 783-2831 (fax)

Dated: May 31, 2024

**VERIFICATION**

I, NazAarah Sabree, hereby state that the facts set forth herein above are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. 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: May 31, 2024

  
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(Signature)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Pennsylvania Public Utility Commission</b>	:	
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v.	:	<b>Docket Nos. R-2024-3047822</b>
	:	<b>R-2024-3047824</b>
	:	
<b>Aqua Pennsylvania, Inc. and Aqua Pennsylvania Wastewater, Inc.</b>	:	

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing have been served via email (*unless otherwise 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 Charles E. Rainey Jr.  
Chief Administrative Law Judge  
Pennsylvania Public Utility Commission  
400 North Street  
Commonwealth Keystone Building  
Harrisburg, PA 17120  
[crainey@pa.gov](mailto:crainey@pa.gov)

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Bryn Mawr, PA 19010  
[Astahl@aquaamerica.com](mailto:Astahl@aquaamerica.com)

DATE: May 31, 2024

*/s/ Steven C. Gray*  
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Steven C. Gray  
Senior Attorney  
Assistant Small Business Advocate  
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