



COMMONWEALTH OF PENNSYLVANIA

July 16, 2024

E-FILED

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

Re: Application of Aqua Pennsylvania Wastewater, Inc. Pursuant to Sections 1102 and 1329 of the Public Utility Code, for approval of the Acquisition by Aqua of the wastewater system Assets of the Greenville Sanitary Authority Situated within the Borough of Greenville, Hempfield Township, and West Salem Township, Mercer County, Pennsylvania / Docket No. A-2023-3041695

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/ Rebecca Lyttle

Rebecca Lyttle
Assistant Small Business Advocate
Attorney ID No. 201399

Enclosures

cc: Jason Hail
Roger Cathcart
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Aqua Pennsylvania	:	Docket No. A-2023-3041695
Wastewater, Inc. Pursuant to Sections	:	
1102 and 1329 of the	:	
Public Utility Code, for approval of the	:	
Acquisition by Aqua of the wastewater	:	
system Assets of the Greenville Sanitary	:	
Authority Situated within the Borough of	:	
Greenville, Hempfield Township, and	:	
West Salem Township, Mercer County,	:	
Pennsylvania	:	

**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”). To discharge this statutory duty, the Small Business Advocate deems it necessary to participate as a party to this proceeding. Representing the OSBA in the above-referenced matter is Assistant Small Business Advocates Rebecca Lyttle and Steven C. Gray.

Please address all correspondence in this matter as follows:

Rebecca Lyttle, Esq.
Assistant Small Business Advocate
Steven C. Gray, Esq.
Senior Attorney
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relyttle@pa.gov
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II. FILING BACKGROUND

The Application was filed by Aqua Pennsylvania Wastewater, Inc. (“Aqua WW” or the “Company”) on November 17, 2023, and requests that the Commission: (1) approve Aqua WW’s acquisition of the wastewater system assets (“Acquired Assets”) of the Greenville Sanitary Authority (“GSA”); (2) approve the right of Aqua WW to begin providing wastewater service in the requested territory; and (3) in its Order approving the acquisition, incorporate the ratemaking rate base of the Acquired Assets as determined under Section 1329(c)(2) of the Public Utility Code, 66 Pa. C.S. § 1329(c)(2). Aqua WW also requests that the Commission, to the extent necessary, issue certificates for filing, pursuant to Section 507 of the Public Utility Code, 66 Pa.C.S. § 507, for certain municipal contracts that Aqua WW has included in their Application. (*App. Para 3.*)

The OSBA filed its Protest and Notice of Intervention on December 1, 2023.

III. IDENTIFICATION OF WITNESS AND TENTATIVE ISSUES

Assisting in the development and presentation of the OSBA's case in this proceeding are:

Jason Hails
Quantiv Advisory, LLC
925 Wappoo Road, Suite A
Charleston, SC 29407
(843) 974-8737
j.hails@quantivadvisory.com

Roger Cathcart, CPA, CA, CBV
Quantiv Advisory, LLC
300-330 St. Mary Avenue
Winnipeg, MB, R3C 3Z5
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(204) 488-8444
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The OSBA will participate in this proceeding to assure that the interests of small business customers are adequately represented and protected.

After an initial review of the materials submitted by the Parties, the OSBA has identified the following list of issues that it will evaluate in this proceeding:

1. Whether the proposed transaction is necessary for Greenville's current customers to receive safe and adequate service;
2. Whether the proposed transaction will provide affirmative and substantial public benefits in accordance with the requirements of *City of York*; and
3. Whether the proposed transaction will result in unjust and unreasonable rates for Aqua's and Greenville's current ratepayers.

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

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

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 settlement discussions at the appropriate phase of this proceeding.

VI. HEARING AND BRIEFING SCHEDULE

At the time of this writing, there has not been a briefing schedule established.

Respectfully submitted,

/s/ Rebecca Lyttle

Rebecca Lyttle
Assistant Small Business Advocate
Attorney ID # 201399

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

Dated: July 16, 2024

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Aqua Pennsylvania : **Docket No. A-2023-3041695**
Wastewater, Inc. Pursuant to Sections :
1102 and 1329 of the Public Utility Code, :
for approval of the Acquisition by Aqua of :
the wastewater system Assets of the :
Greenville Sanitary Authority Situated :
within the Borough of Greenville, :
Hempfield Township, and West Salem :
Township, Mercer County, Pennsylvania :
:

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 Mark A. Hoyer
Deputy Chief Administrative Law Judge
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The Honorable Alphonso Arnold III
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/s/ Rebecca Lyttle _____
Rebecca Lyttle
Assistant Small Business Advocate
Attorney I.D. No. 201399

DATE: July 16, 2024