



COMMONWEALTH OF PENNSYLVANIA

August 2, 2024

**E-FILED**

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

**Re: Application of Pennsylvania-American Water Company under Section 1102(a) of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 1102(a), for approval of (1) the transfer, by sale, of substantially all of the East Dunkard Water Authority’s assets, properties and rights related to its water system to Pennsylvania-American Water Company, and (2) the right of PennsylvaniaAmerican Water Company to begin to offer or furnish water service to the public in Dunkard, and portions of Monongahela, Greene, Cumberland, Perry, and Whiteley Townships, all in Greene County, Pennsylvania / Docket No. A-2024-3049759**

Dear Secretary Chiavetta:

Enclosed for filing 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 # 201399

*Enclosures*

cc: Kevin Higgins  
Parties of Record



Please address all correspondence in that matter as follows:

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) 783-0253  
(717) 783-2831 (fax)  
[relyttle@pa.gov](mailto:relyttle@pa.gov)

**II. FILING BACKGROUND**

On June 21, 2024, the Pennsylvania-American Water Company (“PAWC”) filed an Application under Section 1102(a) of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 1102(a), for approval of (1) the transfer, by sale, of substantially all of the East Dunkard Water Authority’s assets, properties and rights related to its water system to Pennsylvania-American Water Company, and (2) the right of Pennsylvania-American Water Company to begin to offer or furnish water service to the public in Dunkard, and portions of Monongahela, Greene, Cumberland, Perry, and Whiteley Townships, all in Greene County, Pennsylvania (“*Application*”).

On July 10, 2024, the OSBA filed a Protest and Notice of Intervention in response to the *Application*.

**III. IDENTIFICATION OF WITNESS AND TENTATIVE ISSUES**

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

Kevin C. Higgins  
Energy Strategies  
111 East Broadway, Suite 1200  
Salt Lake City, Utah 84111  
(801) 355-4365  
[khiggins@energystrat.com](mailto:khiggins@energystrat.com)

The OSBA will participate in this proceeding to ensure that the interests of small business customers are adequately represented and protected. After an initial review of the materials submitted by PAWC, the OSBA has identified the following issues that it will evaluate in these proceedings:

- (1) Whether the transaction results in the provision of safe, adequate, and reasonable service at just and reasonable rates for the small business customers of both the East Dunkard Service Area and PAWC;
- (2) Whether the transaction result in substantial affirmative benefits; and
- (3) Whether a formal payment assistance program will be enacted for the small business customers of East Dunkard and PAWC.

The OSBA reserves the right to pursue additional issues that may arise throughout these proceedings.

#### **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 date<sup>1</sup> as satisfying the in-hand requirement.

**The OSBA requests that email delivery of documents also be provided to its witness, 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.

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

**VI. HEARING AND BRIEFING SCHEDULE**

At the time of this writing, the OSBA is working with the parties to develop a procedural schedule.

Respectfully submitted,

*/s/ Rebecca Lyttle*

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Rebecca Lyttle  
Assistant Small Business Advocate  
Attorney ID # 201399

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Dated: August 2, 2024

