

COMMONWEALTH OF PENNSYLVANIA



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August 2, 2024

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 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  
Docket Nos. A-2024-3049759, U-2024-

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Prehearing Memorandum.

Copies have been served on the parties as indicated on the enclosed Certificate of Service.

Very truly yours,

*/s/Christine Maloni Hoover*  
Christine Maloni Hoover  
Of Counsel  
PA Attorney I.D. # 50026  
[CHoover@paoca.org](mailto:CHoover@paoca.org)

Enclosures:

cc: The Honorable Eranda Vero(email only)  
Certificate of Service

CERTIFICATE OF SERVICE

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 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  
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I hereby certify that I have this day filed electronically on the Commission's electronic filing system and served a true copy of the following document, the Office of Consumer Advocate's Prehearing Memorandum, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below.

Dated this 2<sup>nd</sup> day of August 2024.

SERVICE BY E-MAIL ONLY

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Melanie J. El Atieh  
Deputy Consumer Advocate  
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Melatieh@paoca.org

Date: August 2, 2024



Commission (Commission) approval of the transfer by sale of substantially all of the assets of East Dunkard Water Authority (EDWA). Subsequently, PAWC filed amendments to the Application on July 8, 2024. Notice was published in the Pennsylvania Bulletin with a deadline of July 22, 2024 for protests and interventions.

The Office of Small Business Advocate (OSBA) filed an Amended Protest on July 15, 2024. The Office of Consumer Advocate (OCA) filed its Notice of Intervention and Public Statement on July 22, 2024.

On July 23, 2024, a Prehearing Conference Notice and a Prehearing Conference Order was issued by Administrative Law Judge (ALJ) Vero. ALJ Vero's Prehearing Conference Order directs parties to file and serve a Prehearing Memorandum on or before noon on August 2, 2024, and scheduled a telephonic Prehearing Conference for August 6, 2024, at 2:00 P.M.

## **II. ISSUES**

The Consumer Advocate determined to file an Intervention and participate in proceedings before the Commission involving the Application by PAWC. The Applicant seeks Commission approval to extend its service territory and provide public water service in an area currently served by EDWA. PAWC is currently acting as receiver and operating the East Dunkard Water Authority system pursuant to a Commission order at Docket. No. P-2023-3043950 (emergency order ratified on 11/20/23).

The Consumer Advocate determined to intervene in this proceeding to protect the interests of PAWC's existing and new customers. The OCA generally supports this acquisition and will work to ensure that the results of this proceeding are just and reasonable and consistent with Sections 1102 and 1103 and other requirements of the Public Utility Code. 66 Pa. C.S. §§1102, 1103.

### **III. WITNESSES**

The OCA has not identified a witness at this time. The OCA specifically reserves the right to call witnesses, as necessary. All parties of record and ALJ Vero will be notified as soon as the OCA has determined whether a witness or witnesses will be necessary for any portion of its case.

### **IV. EVIDENCE**

The OCA will rely on the direct, rebuttal, and surrebuttal testimony in this proceeding, including but not limited to, materials obtained through discovery and cross-examination.

### **V. SERVICE ON THE OCA**

The OCA will be represented in this case by Deputy Consumer Advocate Melanie El Atieh and Christine Maloni Hoover, Of Counsel. The OCA will not be providing service via mail and does not expect other parties to serve the OCA by mail. All documents should be served on the OCA by email as follows:

Melanie J. El Atieh, Deputy Consumer Advocate  
Christine Maloni Hoover, Of Counsel  
[Melatieh@paoca.org](mailto:Melatieh@paoca.org)  
[CHoover@paoca.org](mailto:CHoover@paoca.org)

The OCA requests that service by email by 4:30 p.m. on the due date will satisfy the in-hand service requirement, without the need for follow-up hard copies. During the prehearing conference, Ms. Hoover will speak as lead attorney for the OCA.

### **VI. PROPOSED SCHEDULE**

The OCA proposes that a litigation schedule not be set at this time while the parties determine if the case can be resolved through full or partial settlement.

### **VII. DISCOVERY**

The OCA does not propose any modifications to the Commission's discovery regulations.

The OCA has sent informal discovery requests to PAWC and has received responses. If the OCA determines that additional information is necessary, the OCA will propound discovery, formally or informally to PAWC and/or East Dunkard Water Authority.

## **VII. SETTLEMENT**

The OCA is willing to participate in settlement discussions with the parties.

Respectfully Submitted,

/s/ Christine Maloni Hoover  
Christine Maloni Hoover  
Of Counsel  
PA Attorney I.D. # 50026  
CHoover@paoca.org

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DATED: August 2, 2024