

COMMONWEALTH OF PENNSYLVANIA



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September 27, 2024

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

Re: Aqua Pennsylvania, Inc.
Petition for Approval of
A Lead Service Line
Replacement Program
Docket No. P-2024-3050248

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/ Harrison W. Breitman
Harrison W. Breitman, Esq.
Assistant Consumer Advocate
PA Attorney I.D. # 320580
E-Mail: HBreitman@paoca.org

Enclosures:

cc: The Honorable Charles E. Rainey (email only)
Paul Diskin, BTUS (email only: pdiskin@pa.gov)
Office of Special Assistants (email only: ra-OSA@pa.gov)
Certificate of Service

CERTIFICATE OF SERVICE

Aqua Pennsylvania Water Inc. :
Petition for Approval of :
Lead Service Line : Docket No. P-2024-3050248
Replacement Program :

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 in the above-referenced proceeding, 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 27th day of September, 2024.

SERVICE BY E-MAIL ONLY

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Pennsylvania Public Utility Commission
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DATED: September 27, 2024

Respectfully submitted,

/s/ Harrison W. Breitman
Harrison William Breitman
Assistant Consumer Advocate
PA Attorney I.D. # 320580
E-Mail: HBreitman@paoca.org

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of Aqua Pennsylvania Water Inc., :
As Receiver For Venango Water Company :
For Approval of a Lead Service Line : Docket No. P-2024-3050248
Replacement Program for :
Venango Water Company :

PREHEARING MEMORANDUM
OF THE
OFFICE OF CONSUMER ADVOCATE

I. INTRODUCTION

On August 9, 2024, Aqua Pennsylvania, Inc. (Aqua or Company), as the receiver for Venango Water Company (Venango), filed with the Commission a Petition seeking approval of a Lead Service Line Replacement Program (LSLR Program) through Supplement No. 25 to Water – Pa. P.U.C. No. 3.

On August 15, the Office of Small Business Advocate (OSBA) filed a Notice of Appearance. On August 21, 2024, the Office of Consumer Advocate (OCA) filed a Notice of Intervention and Public Statement.

II. ISSUES

The OCA determined to intervene in this proceeding to ensure that the proposed LSLR improvements are prudent and cost-effective and will maintain safe, reliable, and reasonable service as required by the Public Utility Code and the Commission’s regulations (*See* 66 Pa.C.S. §§ 1301, 1311(b)(2), 1501; 52 Pa. Code §§ 65.51-65.62). The OCA reserves the right to address any issue that is raised in the Petition based on any relevant evidence that is gathered during the

discovery process. The OCA and Aqua currently are participating in settlement discussions regarding Aqua's LSLR Program at P-2023-3044459, and the OCA reasonably anticipates that such discussions will impact the final LSLR Program for Aqua-Venango.

III. WITNESSES

At this time, the OCA has not yet determined whether it will present a witness. Once the OCA determines that a witness is necessary for any portion of its case, it will notify all parties of record immediately.

IV. DISCOVERY

In order to effectively investigate and adequately develop a record in this proceeding, the OCA requests a modification to the Commission's procedural rules, 52 Pa. Code §5.321, et seq., on a going-forward basis, as set forth below:

- A. Answers to written interrogatories and requests for document production, entry for inspection, or other purposes shall be served in-hand within ten (10) calendar days of service.
- B. Objections to interrogatories and/or requests for production shall be communicated orally to the propounding party within three (3) calendar days of service of the interrogatories; unresolved objections shall be served in writing to the propounding party within five (5) calendar days of service of the interrogatories and/or requests for production.
- C. Motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within five (5) business days of service of written objections.
- D. Answers to motions to dismiss objections and/or answering of interrogatories and/or requests for production shall be filed within five (5) business days of service of such motions.
- E. Requests for admissions will be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service.
- F. Answers to on-the-record data requests shall be served in-hand within five (5) calendar days of the requests.

- G. Any discovery or discovery-related pleadings (such as objections, motions, and answers to same) served after served after 4:30 p.m. Monday through Thursday or after 1:30 p.m. on a Friday or the day before a holiday will be deemed to have been served on the next business day for purposes of calculating the due date for any responsive filing.

V. SERVICE ON THE OCA

The OCA will be represented in this proceeding by Harrison W. Breitman, Assistant Consumer Advocate, and Melanie Joy El Atieh, Deputy Consumer Advocate. The OCA asks that all documents should be served by email on the OCA as follows:

Harrison W. Breitman
Assistant Consumer Advocate
Office of Consumer Advocate
E-Mail: HBreitman@paoca.org

Melanie Joy El Atieh
Deputy Consumer Advocate
Office of Consumer Advocate
E-Mail: MEIAtieh@paoca.org

In addition to serving the undersigned, the OCA requests that Lori Arnsparger, Paralegal, LArnsparger@paoca.org, also be copied on any emails that provide service of any documents.

VI. PROPOSED SCHEDULE

The OCA will work with the parties to develop a litigation schedule that is acceptable to the Presiding Officer and the parties.

VII. SETTLEMENT

The OCA is willing to participate in settlement discussions.

VIII. LEAD ATTORNEY FOR PREHEARING CONFERENCE

As directed in the Prehearing Conference Order, Harrison W. Breitman, Assistant Consumer Advocate, will speak as the lead attorney for purposes of the prehearing conference.

Respectfully submitted,

/s/ Harrison W. Breitman

Harrison W. Breitman

Assistant Consumer Advocate

PA Attorney I.D. # 320580

HBreitman@paoca.org

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Melanie Joy El Atieh

Deputy Consumer Advocate

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Counsel for:

Patrick M. Cicero

Consumer Advocate

Dated: September 27, 2024