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VIA eFiling

October 10, 2024

Rosemary Chiavetta, Secretary
Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120

Re: Petition of Pennsylvania-American Water Company for Approval of a Lead Service Line Replacement Program, related Tariff Changes, and Modification of Long-Term Infrastructure Improvement Plan

Docket No. P-2024-3050263

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission is the Prehearing Conference Memorandum of Pennsylvania-American Water Company. A copy of this filing is being served in accordance with the enclosed Certificate of Service.

Thank you for your attention to this filing. Please contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Erin K. Fure".

Erin K. Fure

Enclosures

cc: Honorable Arlene Ashton, Administrative Law Judge w/Enclosures
All Parties on the attached Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PETITION OF PENNSYLVANIA-AMERICAN WATER COMPANY FOR APPROVAL OF A LEAD SERVICE LINE REPLACEMENT PROGRAM, RELATED TARIFF CHANGES, AND MODIFICATION OF LONG-TERM INFRASTRUCTURE IMPROVEMENT PLAN :
: DOCKET NO.: P-2024-3050263
:

**PREHEARING CONFERENCE MEMORANDUM OF
PENNSYLVANIA-AMERICAN WATER COMPANY**

AND NOW COMES Pennsylvania-American Water Company (“PAWC” or the “Company”), pursuant to 52 Pa. Code § 5.222(d) and in compliance with the Prehearing Conference Order issued by Honorable Administrative Law Judge (“ALJ”) Arlene Ashton on October 3, 2024, to file this Prehearing Conference Memorandum in the above-referenced matters. In support thereof, PAWC states as follows:

I. INTRODUCTION AND PROCEDURAL HISTORY

By Order entered on October 3, 2019 at Docket No. P-2017-26061000, the Pennsylvania Public Utility Commission (“Commission”) previously granted PAWC approval to perform lead service line replacement (“LSLR”) activities. However, Act 120, which was signed into law on October 24, 2018, amended Section 1311(b) of the Pennsylvania Public Utility Code (“Code”), 66 Pa. C.S. § 1311(b), to address replacement of lead service lines (“LSLs”) and the recovery of cost associated with such replacement. On March 14, 2022, the Commission entered its Final Rulemaking Order, at Docket No. L-2020-3019521, which adopted the Commission’s regulations concerning LSLR at 52 Pa. Code §§ 65.51 *et seq.* (“LSLR Regulations”) which became effective

on July 23, 2022. Utilities which received prior Commission approval to perform LSLR activities are required to submit for Commission approval a LSLR Program that conforms with the requirements of the LSLR Regulations. 52 Pa. Code § 65.61.

Accordingly, on July 22, 2024 PAWC filed a Petition for Approval of a Lead Service Line Replacement Program, Related Tariff Changes, and Modification of a Long-Term Infrastructure Improvement Plan (“Petition”).

On August 6, 2024, Steven C. Gray, Esquire on behalf of the Office of Small Business Advocate (“OSBA”) filed a Notice of Appearance, Notice of Intervention, Public Statement and Verification in this proceeding.

On August 21, 2024, Harrison W. Breitman, Esquire and Melanie J. El Atieh, Esquire on behalf of the Office of Consumer Advocate (“OCA”) filed a Notice of Intervention and Public Statement in this proceeding.

On August 23, 2024, the Bureau of Technical Utility Services (“TUS”) issued Data Request Set 1 to the Company.

On September 4, 2024, PAWC filed a letter requesting an extension to respond to TUS Data Set I. By Secretarial Letter dated September 6, 2024, the Company was granted an extension to respond to TUS Data Set 1.

On September 13, 2024, the Company timely provided responses to TUS Data Request Set 1.

On September 25, 2024, the OCA filed an Amended Notice of Intervention and Public Statement in which it requested that the matter be transferred to the Office of Administrative Law Judge.

On October 3, 2024, a Call-In Telephonic Prehearing Conference Notice was issued scheduling a prehearing conference for October 15, 2024 at 1 p.m. before ALJ Ashton.

On October 3, 2024, ALJ Ashton issued a Prehearing Conference Order.

II. COUNSEL

Counsel for PAWC is:

Erin K. Fure, Esq. (PA ID # 312245)
Pennsylvania-American Water Company
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Mechanicsburg, PA 17055
Telephone: (717) 550-1556
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III. SERVICE OF DOCUMENTS

PAWC's attorney is authorized to accept service on behalf of PAWC in this proceeding. PAWC agrees to receive service of documents electronically in this proceeding and requests that all listed counsel for PAWC receive electronic service.

IV. ISSUES

PAWC, through its Petition, seeks approval of a LSLR Program which complies with 66 Pa. C.S. § 1311(b), 52 Pa Code § 53.52(a) and 52 Pa. Code § 65.51 *et seq.* PAWC's LSLR Program contained within the Petition seeks to continue the Company's efforts to replace LSLs while complying with the LSLR Regulations. The Company's LSLR Program is reasonable and in the public interest because it will allow PAWC to address LSLs within its system in an efficient manner to address the recognized health risks posed by lead in drinking water.

V. **WITNESSES**

PAWC has not submitted direct testimony and exhibits in this case as of this writing but expects to have the following witnesses in this case:

Mr. Christopher Graf

Mr. Graf is a Manager of Engineering, Planning for PAWC. His business address is 852 Wesley Drive, Mechanicsburg, PA 17055 and his business phone number is (717)-550-1512. Mr. Graf will explain why PAWC's LSLR Program, including the LSLR plan, modified long-term infrastructure improvement plan ("LTIIP") and proposed tariff changes, meet the requirements set forth in the LSLR Regulations. Furthermore, Mr. Graf will describe why the Petition should be promptly approved by the Commission and explain why PAWC's LSLR Program is in the public interest.

Ms. JoAnn Hepler

Ms. Hepler is PAWC's Manager of Operations for Water Quality, Lead Program. Her business address is 852 Wesley Drive, Mechanicsburg, PA 17055 and her phone number is (717)550-1613. Ms. Hepler will discuss PAWC's LSLR Program and describe how the Company's LSLR plan fulfills the requirements set forth in 52 Pa. Code § 65.56. Ms. Hepler will also describe how the Company's LSLR Program serves the public interest.

Ms. Stacey Gress

Ms. Gress is the Director of Rates and Regulatory for PAWC. Her business address is 1 Water Street, Camden, NJ 08102 and her phone number is (856)-955-4479. Ms. Gress will discuss PAWC's accounting and ratemaking treatment for customer-owned LSLR costs.

VI. LITIGATION SCHEDULE

PAWC discussed a proposed litigation schedule with the other parties to this case. The parties are engaged in discussions seeking to avoid the need to litigate this matter. At this time, the parties ask that a status conference be held in approximately 60 days to determine whether a litigation schedule needs to be developed.

VII. DISCOVERY

PAWC is not proposing any discovery modifications in this matter.

VIII. SETTLEMENT

PAWC is willing to participate in settlement discussions in this matter.

Respectfully submitted,



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Counsel for *Pennsylvania-American Water Company*

Dated: October 10, 2024

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Pennsylvania-American :
Water Company for Approval of a Lead :
Service Line Replacement Program, : Docket No. P-2024-3050263
Related Tariff Changes, and :
Modification of Long-Term :
Infrastructure Improvement Plan :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of Pennsylvania-American Water Company's Prehearing Conference Memorandum, upon the persons and in the manner indicated below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

VIA Electronic Delivery

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Dated: October 10, 2024



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