

COMMONWEALTH OF PENNSYLVANIA



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October 10, 2024

Via Electronic Filing

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

Re: Pennsylvania American Water Co.
Petition for Approval of
A Lead Service Line
Replacement Program;
Docket No. P-2024-3050263

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Prehearing Memorandum in the captioned proceeding. Copies have been served on the parties as indicated on the enclosed Certificate of Service.

Very truly yours,

/s/ Melanie Joy El Atieh
Melanie Joy El Atieh
Deputy Consumer Advocate
PA Attorney I.D. # 209323
E-Mail: ME1Atieh@paoca.org

Enclosures:

cc: Administrative Law Judge Arlene Ashton (email only)
Certificate of Service

CERTIFICATE OF SERVICE

Petition of Pennsylvania-American :
Water Company for Approval of its : Docket No. P-2024-3050263
Lead Service Line 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 captioned 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 10th day of October, 2024.

SERVICE BY E-MAIL ONLY

Allison Kaster, Esq.
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Respectfully submitted,

/s/ Melanie Joy El Atieh
Melanie Joy El Atieh
Deputy Consumer Advocate
PA Attorney ID # 209323
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Harrison W. Breitman
Assistant Consumer Advocate
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Phone: (717) 783-5048

DATED: October 10, 2024

Counsel for:
Patrick M. Cicero
Consumer Advocate

On October 3, 2024, the Commission assigned the Company's Petition to the Office of Administrative Law Judge (OALJ). Additionally, on October 3, 2024, the OALJ issued a Notice scheduling a Call-In Telephonic Prehearing Conference for October 15, 2024, and ALJ Ashton issued a Prehearing Conference Order setting forth the parties' obligations with respect to the Prehearing Conference and directing the parties to prepare and distribute prehearing memorandums by October 10, 2024.

AND NOW, the OCA files this prehearing memorandum in accordance with the ALJ's Prehearing Conference Order.

II. ISSUES

The OCA will address the following issues for the Commission's consideration in reviewing the Petition and reaching a determination of whether 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: (1) service line inventory; (2) prioritizing lead service line replacements; (3) emergency repairs and replacements; (4) process and procedures to obtain acceptance of a lead service line replacement; (5) publicly accessible website; (6) PAWC's proposed monetary annual cap to limit lead service line replacements; (7) reimbursement to customers; and (8) customer outreach (9) tariff "step-in" rights for non-responsive property owners who are not the customer. *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 other issue that is raised in the Petition based on any relevant evidence that is gathered during the discovery process.

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 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 J. El Atieh
Deputy Consumer Advocate
Office of Consumer Advocate
E-Mail: MElatieh@paoca.org

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

VI. PROPOSED SCHEDULE

The OCA requests the ALJ to forego setting a procedural schedule at this time and to give the parties time to potentially resolve and settle issues without the pressure of a formal litigation schedule. The OCA requests that the ALJ schedule a status conference in 60 days so that the parties can advise the ALJ on their progress and provide the opportunity to request another status conference at a later date or set a formal litigation schedule.

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/ Melanie Joy El Atieh
Melanie Joy El Atieh
Deputy Consumer Advocate
PA Attorney ID # 209323
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