



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET, HARRISBURG, PA 17120

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

January 28, 2025

Via Electronic Filing

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

Re: Application of Aqua Pennsylvania Wastewater, Inc. Pursuant to Sections 507, 508, 1102 and 1329 of the Public Utility Code for Approval of its Acquisition of the Wastewater System Assets of the City of Beaver Falls
Docket No. A-2022-3033138
I&E Prehearing Memorandum

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Bureau of Investigation and Enforcement's Prehearing Memorandum in the above-captioned proceeding.

Copies are being served on parties per the attached Certificate of Service. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads 'Carrie B. Wright'.

Carrie B. Wright
Deputy Chief Prosecutor
Bureau of Investigation and Enforcement
PA Attorney ID No. 208185
(717) 783-6156
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CBW/ac
Enclosures

cc: Administrative Law Judge F. Joseph Brady (*via email* – fbrady@pa.gov)
Pamela McNeal, Legal Assistant (*via email* – pmcneal@pa.gov)
Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Aqua Pennsylvania :
Wastewater, Inc. Pursuant to Sections :
507, 508, 1102 and 1329 of the Public : Docket No. A-2022-3033138
Utility Code for Approval of its :
Acquisition of the Wastewater System :
Assets of the City of Beaver Falls :

**PREHEARING MEMORANDUM
OF THE
BUREAU OF INVESTIGATION AND ENFORCEMENT**

TO ADMINISTRATIVE LAW JUDGE F. JOSEPH BRADY:

In accordance with the Administrative Law Judge F. Joseph Brady's (the ALJ) Prehearing Conference Order, the Bureau of Investigation and Enforcement (I&E) hereby submits this Prehearing Memorandum. The I&E prosecutor assigned to this proceeding is Carrie B. Wright. Ms. Wright may be contacted as follows:

By Mail: Carrie B. Wright
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street, 2nd Fl.
Harrisburg, PA 17120

By E-mail: carwright@pa.gov

Telephone: (717) 783-6156

I. BACKGROUND

On February 17, 2023, Aqua Pennsylvania Wastewater, Inc. (Aqua or Company) filed with the Pennsylvania Public Utility Commission (Commission) its Application pursuant to Sections 1102 and 1329 of the Public Utility Code (Code), related to its acquisition of the wastewater system assets of the City of Beaver Falls.

By way of a Secretarial Letter of December 30, 2024, the Commission informed Aqua that its Application was accepted for filing. On January 11, 2025, the Commission published notice of Aqua's Application in the Pennsylvania Bulletin. Aqua's Application was assigned to the Office of Administrative Law Judge for establishment of an evidentiary record culminating in a Recommended Decision for the Commission's consideration.

A telephonic Prehearing Conference is now scheduled for January 29, 2025, at 1:30 p.m., before ALJ Brady. In accordance with the Prehearing Conference Order issued by the ALJ, I&E now respectfully submits this prehearing memorandum.

II. ISSUES

Based upon a preliminary review of the filing, I&E has identified the following areas of inquiry, representing a listing of potential issues at this time. However, I&E reserves the right to address such other issues when those issues arise:

1. Cost of Service Study
2. Public Benefits Test
3. DSIC/LTIIP
4. Cost Per Customer

5. Bulk Rates
6. Easements and Other Property Rights
7. Future Base Rate Implications

I&E notes that this listing of issues is provided without analysis of the positions of all parties to this proceeding and while the discovery process is still underway.

Accordingly, I&E necessarily reserves the right to supplement its issue list, to remove issues from this list, and to reassign issues between witnesses as necessary to facilitate the development of a full record in this case. Additionally, most of the issues raised by I&E will be supported by the Direct Testimony of I&E witnesses. If there are issues of Commission policy or legal interpretation that are not properly the subject of testimony or factual issues that are clear on the record and need not be supported by testimony, I&E reserves the right to dispense with testimony when, in its opinion, an issue can be adequately addressed in Brief.

III. WITNESSES

It is currently expected that I&E may call the following witnesses without being limited thereto:

- Christopher Keller, Fixed Utility Financial Analyst
- Ethan Cline, Fixed Utility Valuation Engineer

The I&E witnesses may be contacted through the contact information listed above for Ms. Wright. I&E notes that this listing of witnesses is provided without analysis of the positions of all parties to this proceeding and while the discovery process is still underway. Accordingly, I&E necessarily reserves the right to supplement its witness list,

and to remove witnesses from this list, as necessary to facilitate the development of a full record in this case. The ALJs and all active parties will be notified of any amendments to the I&E witness list.

IV. SCHEDULE

I&E will work with the Parties and the ALJ to develop a procedural schedule in this proceeding.

I&E requests that hearings be held telephonically in this matter. However, to the extent that in person hearings are required, I&E respectfully requests that those hearings be held in Harrisburg.

V. DISCOVERY

I&E will work with the Parties to develop mutually agreeable discovery modifications.

VI. SERVICE OF DOCUMENTS

For purposes of satisfying in-hand service requirements for discovery responses, prepared testimony, briefs and other documents, I&E requests that electronic delivery of documents continue to satisfy the service requirements without the need to follow up with service of a hard copy of such documents.

VII. PUBLIC INPUT HEARINGS

To the extent possible, I&E requests that public input hearings be held telephonically to maximize public participation over Aqua's service territory.

VIII. SETTLEMENT

I&E intends to participate in any settlement discussions and is willing to work with the parties in an attempt to reach a resolution of any or all issues.

Respectfully submitted,

A handwritten signature in cursive script that reads "Carrie B. Wright".

Carrie B. Wright
Deputy Chief Prosecutor
PA Attorney ID No. 308185

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Dated: January 28, 2025

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Assets of the City of Beaver Falls :

CERTIFICATE OF SERVICE

I hereby certify that I am serving the foregoing **Prehearing Memorandum** dated January 28, 2025, in the manner and upon the persons listed below:

Served via Electronic Mail Only

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