



COMMONWEALTH OF PENNSYLVANIA

February 26, 2026

E-FILED

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Pennsylvania Public Utility Commission v. Pennsylvania-American Water Company / Docket Nos. R-2025-3057983 (Water) / R-2025-3058051 (Wastewater)

Dear Secretary Homsher:

Enclosed please find the Petition for Interlocutory Review, on behalf of the Office of Small Business Advocate (“OSBA”), in the above-referenced proceedings.

Copies will be served on all known parties in these proceedings, as indicated on the attached Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Steven C. Gray

Steven C. Gray
Senior Attorney
Assistant Small Business Advocate
Attorney ID No. 77538

Enclosures

cc: Jason Hails
Roger Cathcart
Joseph Kubas
Parties of Record

question to be answered and the compelling reasons why interlocutory review will prevent substantial prejudice or expedite the conduct of the proceeding.

The Commission should grant review because the issue of who or what entity can testify at a Section 69.321 Public Input Hearing has arisen in the PAWC rate case, and will arise in the Merger Application case, as well as all future proceedings that hold Public Input Hearings.

Specifically, at the January 21, 2026, telephonic Public Input Hearing, counsel for PAWC stated that the standard for testifying under Section 69.321 is “consumers and people who are impacted by the filing by Pennsylvania American.”¹ Counsel for the Joint Applicants, in the Merger Application case, repeated a similar standard: “public-input hearings are held so that members of the community who may be affected by a filing can come and give their opinion and state how they may be affected and testify to the public interest.”² No citation to the Public Utility Code, the Commission’s regulations, or any precedent was provided.

IV. Argument

The OSBA respectfully submits that the unambiguous plain language of Section 69.321 clearly states who may testify at a Public Input Hearing. Section 69.321(c) states that a Public Input Hearing is to “allow an opportunity for the complete airing of concerns expressed or issues raised by consumers.”³ Section 69.321(d) provides three “consumers’ options at the hearing.”⁴ Section 69.321(f) requires the “presiding officer will make every attempt to give consumers full opportunity to provide input into the case.”⁵

At the January 13, 2026, in-person Public Input Hearing in Washington, 28 of the 34 individuals that testified represented entities that supported the PAWC rate filing.⁶ Public Input Hearing testimony included testimony such as, “I am testifying on behalf of Pennsylvania American Water”⁷ and “So I’m coming to support the rate increase.”⁸ This supportive testimony of PAWC continued throughout the remaining five in-person Public Input Hearings at length.

¹ Transcript, at 1056, lines 21-22.

² Merger Application Transcript, at 43, lines 20-22.

³ Pa. Code Section 69.321(c).

⁴ Pa. Code Section 69.321(d).

⁵ Pa. Code Section 69.321(f).

⁶ Transcript, pages 113-266.

⁷ Transcript, at 143, lines 13-14.

⁸ Transcript, at 150, lines 23-24.

At the January 21, 2026, afternoon telephonic Public Input Hearing, roughly half of the 31 people that testified were representing entities that supported the PAWC rate filing.⁹ However, the PAWC supporters used up so much time that 20 to 30 people were remaining to be heard when the ALJs were forced to close the hearing after holding the hearing for four and half hours.¹⁰

Small business owners often do not attend Public Input Hearings due to significant time constraints and the demands of running their day-to-day operations. When utilities such as PAWC look to organizations that are not direct consumer representatives to participate, it can discourage the small businesses from testifying and fully participating in the process.

If the Commission permits any entity other than consumers of the utility to testify at Public Input Hearings, it will thwart the Commission's policy to provide an opportunity for consumers to be heard; violate the due process rights provided by Section 69.321 to those consumers; and prevents the Commission from receiving critical evidence that only the consumers of a utility service can provide.

V. Conclusion

For the foregoing reasons, the OSBA respectfully requests that the Commission confirm the standard set forth in Section 69.321 that only consumers of a utility service may testify as to their concerns and issues at Public Input Hearings and reject the baseless standards advocated by utility counsel.

Respectfully submitted,

/s/ Steven C. Gray

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For:
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Small Business Advocate

Dated: February 26, 2026

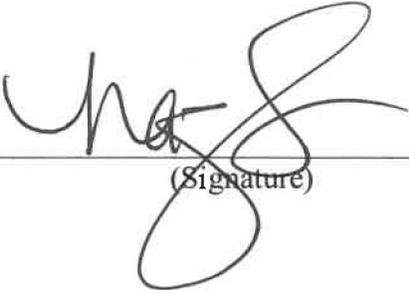
⁹ Transcript, at 1009-1237.

¹⁰ Transcript, at 1216, 1235-1236.

VERIFICATION

I, NazAarah Sabree, hereby state that the facts set forth herein above are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: February 26, 2026



(Signature)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	Docket Nos. R-2025-3057983 (Water)
v.	:	R-2025-3058051 (Wastewater)
	:	C-2025-3058770 (Water)
Pennsylvania-American Water Company	:	C-2025-3058771 (Wastewater)

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served via email (*unless otherwise noted below*) upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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