

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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September 29, 2017

Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
Commonwealth Keystone Bldg.  
400 North Street  
Harrisburg, PA 17120

Re: Pa. Public Utility Commission  
v.  
Newtown Artesian Water Company  
Docket No. R-2017-2624240

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Formal Complaint and Public Statement in the above-referenced proceeding.

Copies have been served per the attached Certificate of Service.

Respectfully submitted,

A handwritten signature in cursive script that reads "Christine Maloni Hoover".

Christine Maloni Hoover  
Senior Assistant Consumer Advocate  
PA Attorney I.D. #50026  
E-Mail: choover@paoca.org

Attachment

cc: Office of Special Assistants (email only: ra-OSA@pa.gov)  
Office of Administrative Law Judge  
Bureau of Technical Utility Services (email only)  
Certificate of Service

240479

CERTIFICATE OF SERVICE

Re: Pennsylvania Public Utility Commission :  
v. : Docket No. R-2017-2624240  
Newtown Artesian Water Company :

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate's Formal Complaint and Public Statement, 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 29th day of September 2017.

SERVICE BY E-MAIL & INTER-OFFICE MAIL

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

SERVICE BY E-MAIL & FIRST CLASS MAIL, POSTAGE PREPAID

John Evans  
Small Business Advocate  
Office of Small Business Advocate  
300 North Second Street  
Harrisburg, PA 17101

Thomas T. Niesen, Esquire  
Thomas, Niesen, & Thomas, LLC  
212 Locust Street, Suite 600  
Harrisburg, PA 17101

/s/ Christine Maloni Hoover  
Christine Maloni Hoover  
Senior Assistant Consumer Advocate  
PA Attorney I.D. #50026  
Email: [CHoover@paoca.org](mailto:CHoover@paoca.org)

Erin L. Gannon  
Senior Assistant Consumer Advocate  
PA Attorney I.D. # 83487  
E-Mail: [EGannon@paoca.org](mailto:EGannon@paoca.org)

Counsel For:  
Office of Consumer Advocate  
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Harrisburg, PA 17101-1923  
Phone: (717) 783-5048  
Fax: (717) 783-7152  
Date: September 29, 2017

**Pennsylvania Public Utility Commission**

**Formal Complaint Form**

**1. COMPLAINANT**

Tanya J. McCloskey

555 Walnut Street, 5th Floor, Forum Place  
Harrisburg, PA 17101-1923  
Dauphin County

Phone: (717) 783-5048

Facsimile: (717) 783-7152

**2. RESPONDENT**

Newtown Artesian Water Company – Docket No. R-2017-2624240

**3. TYPE OF UTILITY**

WATER

**4. COMPLAINT**

- A. On September 1, 2017, Newtown Artesian Water Company (“NAWC” or the “Company”) filed Supplement No. 126 to Tariff Water – Pa. P.U.C. No. 9, along with Responses to the Minimum Filing Requirements pursuant to 52 Pa. Code § 53.52.
- B. Through this filing, NAWC seeks permission to increase its existing Distribution System Improvement Charge (“DSIC”) cap from 5.0% to 7.5% pursuant to 66 Pa. C.S. § 1358 effective as of November 1, 2017.
- C. The Company is engaged in the business of furnishing water to approximately 10,554 residential, commercial, industrial, public, and fire protection customers in portions of Bucks County. All customers (other than public fire protection customers) would be affected by the cap increase when the DSIC exceeds 5%. As of August 1, 2017, the surcharge is 4.13%.
- D. The Consumer Advocate is empowered to represent the interests of Pennsylvania consumers before the Pennsylvania Public Utility Commission (the “Commission”) pursuant to Act 1976-161 of the General Assembly, as amended, 71 Pa. Stat. Ann. §§309-1, *et seq.*

- E. After review of the Company's proposed tariff supplement, the Acting Consumer Advocate files this Formal Complaint for the following reasons: (1) the Company's DSIC cap increase may be unjust, unreasonable, and in violation of the law, (2) to seek review of the Company's supporting information, and (3) to ensure that the Commission fully and fairly adjudicates the issues.

**5. RELIEF**

- A. Deny the Petition and disapprove the proposed tariff supplement;
- B. Assign this Formal Complaint to the Office of Administrative Law Judge for evidentiary hearings;
- C. Institute an investigation into the justness and reasonableness of the Company's present rates, including the DSIC and the proposed DSIC increase;
- D. Consolidate the Tariff Supplement at Docket No. R-2017-2624240 and all formal complaints filed against the proposed DSIC increase;
- E. Schedule public input hearings throughout NAWC's service territory, if there is substantial public interest;
- F. Grant such other relief that the Commission may deem to be necessary, just or proper.

**6. VERIFICATION**

*Verification:*

*I, Tanya J. McCloskey, Acting Consumer Advocate, hereby state that the facts above set forth are true and correct (or 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).*

*Tanya J. McCloskey*  

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*(Signature)*

September 28, 2017  
*(Date)*

**7. LEGAL REPRESENTATION**

Erin L. Gannon, Senior Assistant Consumer Advocate, PA Bar No. 83487

555 Walnut Street, 5<sup>th</sup> Floor, Forum Place  
Harrisburg, PA 17101-1923  
Dauphin County

Phone: (717) 783-5048

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**PUBLIC STATEMENT OF THE OFFICE OF CONSUMER ADVOCATE  
PURSUANT TO 71 P.S. SECTION 309-4(e)**

Act 161 of the Pennsylvania General Assembly, 71 P.S. § 309-2, as enacted July 9, 1976, authorizes the Consumer Advocate to represent the interest of consumers before the Pennsylvania Public Utility Commission (the “Commission”). In accordance with Act 161, and for the following reasons, the Acting Consumer Advocate determined to file a Formal Complaint and participate in proceedings before the Commission involving the proposed increase of the 5% DSIC cap requested by Newtown Artesian Water Company (“NAWC” or the “Company”) docketed at R-2017-2624240.

NAWC is engaged in the business of furnishing water to approximately 10,554 residential, commercial, industrial, public, and fire protection customers in portions of Bucks County, Pennsylvania. NAWC has petitioned the Commission to increase the cap on its Distribution System Improvement Charge (“DSIC”) of 5% of the amount billed to customers under applicable rates to 7.5%.

The Acting Consumer Advocate files this Complaint to ensure that any requested increase of the DSIC cap by NAWC is just and reasonable. The Acting Consumer Advocate will represent the interests of NAWC consumers before the Commission and seek to ensure that customers are not subject to charges that are unjust, unreasonable, discriminatory or otherwise contrary to law.