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December 14, 2018

Via E-Filing

Rosemary Chiavetta, Secretary
PA Public Utility Commission
Keystone Bldg., 2nd Floor
400 North Street
Harrisburg, PA 17120

Re: Petition of The Pittsburgh Water and Sewer Authority for Approval of Its Long-Term Infrastructure Improvement Plan; Docket Nos. P-2018-3005037 (water), P-2018-3005039 (wastewater) and Implementation of Chapter 32 of the Public Utility Code Regarding Pittsburgh Water and Sewer Authority – Stage 1, Docket Nos. M-2018-2640802 (water), M-2018-2640803 (wastewater)

Dear Secretary Chiavetta:

Attached for electronic filing please find the Pittsburgh Water and Sewer Authority's ("PWSA") Motion for Consolidation of Proceedings regarding the above-referenced matters. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,



Carl R. Shultz

CRS/jls
Enclosure

cc: Hon. Mark A. Hoyer, ALJ (w/enc)
Hon. Conrad A. Johnson, ALJ (w/enc)
Kathryn Sophy, Esq. (w/enc)
Bohdan R. Pankiw, Chief Counsel (w/enc)
Certificate of Service (w/enc)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of The Pittsburgh Water and Sewer	:	
Authority for Approval of Its Long-Term	:	Docket No. P-2018-3005037 (water)
Infrastructure Improvement Plan	:	P-2018-3005039 (wastewater)
	:	

Implementation of Chapter 32 of the Public	:	
Utility Code Regarding Pittsburgh Water and	:	Docket No. M-2018-2640802 (water)
Sewer Authority – Stage 1	:	M-2018-2640803 (wastewater)
	:	
	:	

**MOTION FOR CONSOLIDATION OF PROCEEDINGS BY
THE PITTSBURGH WATER AND SEWER AUTHORITY**

Pursuant to 52 Pa. Code §§ 5.41, 5.81, The Pittsburgh Water and Sewer Authority (“PWSA” or “Authority”) submits this motion requesting that the above-captioned proceedings be formally consolidated into a single proceeding for purposes of investigation and resolution. In support of this Motion, PWSA states as follows:

I. Background

1. PWSA is a municipal authority organized and existing under the laws of the Commonwealth of Pennsylvania that is regulated as a public utility by the Pennsylvania Public Utility Commission (“PUC” or “Commission”).¹ PWSA provides water service to approximately 80,000 residential, commercial and industrial customers in: portions of the City of Pittsburgh; the Borough of Millvale; and portions of Reserve, O’Hara, and Blawnox Townships, Allegheny County. PWSA also provides wastewater conveyance service to customers located in

¹ See 66 Pa.C.S. §§ 102, 3201, 3202(a); *Implementation of Chapter 32 of the Public Utility Code*; *RE: Pittsburgh Water And Sewer Authority*, Docket Nos. M-2018-2640802 and M-2018-2640803, Final Implementation Order entered March 15, 2018 (“FIO”).

the City of Pittsburgh, Allegheny County, and also conveys wastewater for portions of 24 neighboring communities. PWSA also manages stormwater that is conveyed both through its combined sewer systems and separate storm water systems.

2. The names, addresses and telephone number of PWSA's counsel are:

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3. On September 28, 2018,² PWSA filed (a) its' Compliance Plan at Docket Nos. M-2018-2640802 (water) and M-2018-2640803 (wastewater); **and** (b) its' Long Term Infrastructure Improvement Plan ("LTIIIP"), which was docketed at Docket Nos. P-2018-3005037 (water) and P-2018-3005039 (wastewater).

4. The Secretarial Letters issued on September 26, 2018³ and November 27, 2018,⁴ at Docket Nos. M-2018-2640802 (water) and M-2018-2640803 (wastewater), indicate that upon motion, Commission review of the LTIIIP is subject to consolidation with Commission review of the Compliance Plan.

5. The "Joint Petitioners"⁵ to the Joint Petition For Settlement ("Settlement" or "Joint Petition") in PWSA's "July 2, 2018 base rate increase filing,"⁶ at Docket Nos. R 2018-

² The Commission's FIO established a due date of September 28, 2018, for the filing by PWSA of a Compliance Plan and a LTIIIP.

³ <http://www.puc.state.pa.us/pcdocs/1587126.docx>.

⁴ <http://www.puc.state.pa.us/pcdocs/1595705.docx>.

⁵ The "Joint Petitioners" are PWSA, the Bureau of Investigation and Enforcement, ("BIE" or "I&E"), the Office of Consumer Advocate ("OCA"), the Office of Small Business Advocate ("OSBA"), and Pittsburgh

3002645 (Water) and R-2018-3002647 (Wastewater), agreed that within 30 days of the signature date of that Settlement (i.e., by December 29, 2018⁷), PWSA would file a Motion with the Commission to consolidate PWSA's Compliance Plan and LTIIP.

II. Request for Consolidation of Proceedings

6. For the reasons set forth herein, PWSA requests that the above-captioned Compliance Plan and LTIIP proceedings be consolidated.⁸

7. Consolidation is desirable because of common questions of laws and facts. Consolidation should help insure uniformity in the issues raised in these appeals, and should not make the resolution of issues more difficult or more complicated. For example, investigation of infrastructure/operations/lead issues will be a part of the both the Compliance Plan proceeding and LTIIP proceeding.

8. Consolidation of these proceedings would promote judicial economy and administrative efficiency and act to reduce or limit unnecessary duplication of effort, cost and delay to the parties and to the Court. In fact, many of the same parties, such as the Office of

UNITED ("UNITED"). The following parties indicated that they do not oppose the Settlement: Pennsylvania-American Water Company ("PAWC") and Duquesne Light Company ("DLC").

⁶ On July 2, 2018, the PWSA filed Tariff Water – Pa. P.U.C. No. 1 and Tariff Wastewater – Pa. P.U.C. No. 1 to become effective August 31, 2018 with the Commission (collectively, the "July 2, 2018 base rate increase filing"). See PUC Docket No. R-2018-3002645 (Water) and PUC Docket No. R-2018-3002647 (Wastewater). Through these filings, PWSA requested that the Commission approve PWSA's tariffs pursuant to Act 65 of 2017, 66 Pa.C.S. § 3201 et seq.

⁷ The Settlement of the July 2, 2018 base rate increase filing was signed on November 28, 2019. Thirty days from that date ends on Saturday, December 29, 2018.

⁸ 52 Pa.Code § 5.81(a) provides that: "The Commission or presiding officer, with or without motion, may order proceedings involving a common question of law or fact to be consolidated. The Commission or presiding officer may make orders concerning the conduct of the proceeding as may avoid unnecessary costs or delay." Cases have been consolidated for adjudication, *Re Middletown Taxi Co.*, 50 Pa. PUC 263 (1976); for hearing, *City of York v. York Telephone and Telegraph Co.*, 43 Pa. PUC 240 (1967); for briefing, *Clepper Farms, Inc. v. Grantham Water Co.*, 41 Pa. PUC 749 (1965); or for all purposes, *Commonwealth of Pennsylvania et al. v. Respond Power LLC*, Docket No. C-2014-2427659 and *Pa. PUC v. Respond Power LLC*, Docket No. C-2014-2438640 (Interim Order dated October 28, 2014).

Consumer Advocate and Pittsburgh UNITED, will be involved in both the Compliance Plan proceeding and the LTIIP proceeding.

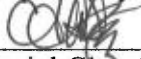
9. Consolidation of these proceedings will not prejudice any substantial right of any party to the Compliance Plan proceeding or the LTIIP proceeding.

III. Conclusion

10. PWSA has served copies of this Petition on the following: OCA, OSBA, UNITED, I&E and to any other person served with the Prehearing Conference Order issued on December 7, 2018 by Deputy Chief Administrative Law Judge Mark A. Hoyer and Administrative Law Judge Conrad A. Johnson in the Stage 1 proceeding that is not listed in this Paragraph. If the Commission concludes that additional notice is necessary, PWSA will provide such additional notices as the Commission may direct.

WHEREFORE, PWSA respectfully requests that the Commission (1) formally consolidate the above-captioned proceedings for all purposes; and, (2) take any other action deemed to be in the public interest.

Respectfully submitted,



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Dated: December 14, 2018

Counsel for
The Pittsburgh Water and Sewer Authority

Verification

I, Carl R. Shultz state that I am an Attorney of Record for The Pittsburgh Water and Sewer Authority ("PWSA") and that as such I am authorized to make this verification on its behalf. I hereby state that the facts contained in the foregoing **Petition** are true and correct (or are true and correct to the best of my knowledge, information and belief). I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.



Carl R. Shultz, Esquire
Attorney for
The Pittsburgh Water and Sewer Authority

CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of the Pittsburgh Water and Sewer Authority's Motion for Consolidation of Proceedings, upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

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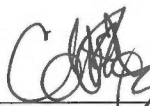
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