



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

BUREAU OF  
INVESTIGATION  
&  
ENFORCEMENT

April 21, 2020

**Via Electronic Filing**

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

Re: PA Public Utility Commission v. Pittsburgh Water and Sewer Authority  
Docket Nos. R-2020-3017951, C-2020-3019348, C-2020-3019305 (water) and  
R-2020-3017970, C-2020-3019349, C-2020-3019302 (wastewater) and

Petition of Pittsburgh Water and Sewer Authority For Waiver of Provisions of  
Act 11 to Increase the DSIC CAP, to Permit Levelization of DSIC Charges,  
and to Authorize the Pay-As-You-Go Method of Financing  
Docket No. P-2020-3019019

Dear Secretary Chiavetta:

Enclosed for filing please find the Bureau of Investigation and Enforcement's  
(I&E) **Prehearing Memorandum** for the above-referenced proceeding.

Consistent with Paragraph 8 of the Commission's March 20, 2020 Emergency Order  
at Docket No. M-2020-3019262 (Re: Suspension of Regulatory and Statutory Deadlines;  
Modification to Filing and Service Requirements), electronic copies only are being served on  
all active parties of record as evidenced in the attached Certificate of Service. If you have  
any questions, please do not hesitate to contact me.

Respectfully,

Gina L. Miller  
Prosecutor

Bureau of Investigation and Enforcement  
PA Attorney ID No. 313863  
(717) 787-8754  
[ginmiller@pa.gov](mailto:ginmiller@pa.gov)

GLM/jfm  
Enclosures

cc: Honorable Mary D. Long (*ALJ, PUC Pittsburgh*)  
Honorable Emily DeVoe (*ALJ, PUC Pittsburgh*)  
Per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, <i>et al</i>	:	R-2020-3017951
	:	C-2020-3019348
v.	:	C-2020-3019305
	:	
Pittsburgh Water and Sewer Authority - Water	:	
	:	
Pennsylvania Public Utility Commission, <i>et al</i>	:	R-2020-3017970
	:	C-2020-3019349
	:	C-2020-3019302
v.	:	
	:	
Pittsburgh Water and Sewer Authority – Wastewater	:	
	:	
Petition of Pittsburgh Water and Sewer Authority	:	P-2020-3019019
For Waiver of Provisions of Act 11 to Increase	:	
The DSIC CAP, to Permit Levelization of DSIC	:	
Charges, and to Authorize the Pay-As-You-Go	:	
Method of Financing :	:	

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

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**To Administrative Law Judges Mary D. Long and Emily DeVoe:**

The Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”) hereby submits this Prehearing Memorandum in the above-captioned dockets. The I&E prosecutors assigned to this proceeding are Gina L. Miller and John M. Coogan. Ms. Miller and Mr. Coogan may be contacted as follows:

By mail:       Gina L. Miller  
                  John M. Coogan  
                  Commonwealth Keystone Building  
                  400 North Street  
                  Harrisburg, PA 17120

By e-mail: [ginmiller@pa.gov](mailto:ginmiller@pa.gov)  
[jcoogan@pa.gov](mailto:jcoogan@pa.gov)

Telephone: (717) 787-8754 (GLM)  
(717) 783-6151 (JMC)<sup>1</sup>

## I. BACKGROUND

On March 6, 2020, pursuant to subsection 7301(c) of the Emergency Management Services Code, 35 Pa. C.S. §§ 7101, Governor Tom Wolf issued a Disaster Proclamation attesting to the existence of a disaster emergency in Pennsylvania due to COVID-10 (“the coronavirus”). Governor Wolf’s declaration is effective for up to ninety (90) days unless he acts to extend it for a further period of time. Governor Wolf’s Disaster Proclamation recognized that because of the emergency’s impact upon operations, that the statutes and regulations that govern procedures for Commonwealth agency business may need to be waived or altered.

Also on March 6, 2020, Pittsburgh Water and Sewer Authority (“PWSA”) filed with the Pennsylvania Public Utility Commission (“Commission”): (1) a water base rate case at Docket No. R-2020-3017951; (2) a wastewater base rate case at Docket No. R-2020-3017970; (3) a Petition for Consolidation of Water and Wastewater Rate Proceedings and For Authorization to Use Combined Water and Wastewater Revenue Requirements (“Base Rate Consolidation Petition”);<sup>2</sup> (4) a Petition for Waiver of Provisions of Act 11 to Increase the DSIC CAP, to Permit Levelization of DSIC Charges, and to Authorize the Pay-as-You-Go Method of Financing

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<sup>1</sup> On March 6, 2020, in response to the COVID-19 pandemic, and pursuant to subsection 7301(c) of the Emergency Management Services Code, 35 Pa. C.S. §§ 7101, *et seq.*, Governor Tom Wolf issued a Proclamation of Disaster Emergency proclaiming the existence of a disaster emergency throughout the Commonwealth for a period of up to ninety (90) days, unless renewed by the Governor. Accordingly, Commission physical offices are currently closed until at least May 8, 2020. While Commission offices are closed, Ms. Miller and Mr. Coogan should be contacted first only by e-mail.

<sup>2</sup> In its Consolidation Petition, PWSA requested that the Commission permit it to: (1) consolidate its water and wastewater base rate proceedings into a single proceeding and (2) permit PWSA to use a consolidated water/wastewater revenue requirement in the single proceeding for the requested base rate increases. *PA PUC v. Pittsburgh Water and Sewer Authority*, Consolidation Petition, R-2020-3017951 et al., p. 1 (March 3, 2020).

(“DSIC Petition”) at Docket No. P-2020-3019019; and (5) a Petition to Consolidate DSIC Petition with Base Rate Case Filings for both Water and Wastewater Conveyance (“DSIC and Base Rate Consolidation Petition”).

PWSA’s proposed Supplement No. 1 to Tariff Water – Pa. P.U.C. No. 1 and Supplement No. 1 to Tariff Wastewater – Pa. P.U.C. No. 1 would increase combined water and wastewater rates by \$43.4 million for 2021 and \$12.6 million for 2022. PWSA’s base rate cases include several complex and unprecedented proposals that warrant close scrutiny, investigation, and development for the record, including: implementation of a DSIC at an unprecedented level of 10% of distribution revenue, which is proposed to automatically become effective at the same time as proposed base rates; a novel alternative ratemaking proposal in the form of a Multi-Year Rate Plan, which proposes to subject PWSA’s ratepayers to a second tier of rate increase, a proposal which has never previously been before the Commission; and a stormwater tariff, which, to I&E’s knowledge, represents the first and only stormwater tariff that parties and the Commission have ever considered.

I&E entered its appearance in both PWSA’s water and wastewater base rate cases and DSIC Petition on March 9, 2020. On March 11, 2020 the World Health Organization declared the coronavirus a pandemic. On March 13, 2020, the last date the Commission was open for business, I&E filed Answers in support of both PWSA’s Base Rate Consolidation Petition and DSIC and Base Rate Consolidation Petition. On March 16, 2020, the Commission’s physical offices closed due to the coronavirus pandemic. At that time, only five business days had elapsed between the time of PWSA’s March 6 filings and the Commission’s closure. At the time of closure on March 16, 2020, the Commission directed its employees to begin teleworking to the extent they are equipped to telework and have the necessary equipment. I&E’s attorneys and

witnesses in this matter do not have Commission-issued technology. As the result of use of limited personal resources, and its lack of access to critical resources that are available only at its offices, I&E's ability to investigate PWSA's filing and to coordinate with its witnesses has been significantly frustrated and compromised.

The Office of the Small Business Advocate ("OSBA") filed its Notice of Appearance on March 19, 2020. Pittsburgh UNITED ("UNITED") filed a Petition to Intervene on March 20, 2020. On March 20, 2020, the Commission issued an Emergency Order at Docket No. M-2020-3019262. The Commission's Emergency Order noted that the closure of the Commission's offices presents "many challenges for the Commission, the regulated community, and the public." Under such circumstances, the Emergency Order noted that while the Commission and the regulated community "operate under reasonable statutory and regulatory deadlines necessary to ensure timely administration of the Public Utility Code" the Commission is aware that some deadlines or obligations may hinder the public service mission of the Commission and its affected stakeholders. While the Commission's Emergency Order encouraged parties to proceedings before the Commission to cooperate regarding the suspension, extension, waiver or change of any regulatory, statutory, or procedural deadlines established by the Code, the Commission also ordered that all statutory and regulatory deadlines prescribed by the Code or applicable law may be suspended, extended, waived or changed during the pendency of the Governor's Proclamation of Disaster Emergency.

On March 23, 2020, I&E contacted PWSA's counsel by telephone to indicate that (1) I&E does not have Commission-based access to PWSA's data room and non-public filing materials and therefore has been operating without use of those resources in order to avoid any inadvertent disclosure and (2) that I&E requests that PWSA voluntarily extend the nine-month

suspension period for its water and wastewater base rate cases under 66 Pa. C.S. § 1308(d), and its Petition for DSIC<sup>3</sup> by a period commensurate with the amount of time that the Commission is closed for the reasons outlined in the bases for relief outlined in I&E’s Expedited Motion for an Extension of the Statutory Suspension Period of Pittsburgh Water and Sewer Authority’s Water and Wastewater Base Rate Proceedings filed at Docket Nos. R-2020-3017951 and R-2020-3017970 (“I&E’s Expedited Motion”).

The Office of Consumer Advocate (“OCA”) filed its Notice of Appearance and a Formal Complaint and Public Statement on March 24, 2020. On March 26, 2020 OSBA filed Answers in support of PWSA’s Base Rate Consolidation Petition and DSIC and Base Rate Consolidation Petition. On March 26, 2020, the Commission issued its Order on PWSA’s Compliance Plan – Stage 1 proceeding.<sup>4</sup> On March 30, 2020, PWSA indicated it would grant I&E’s counsel and expert witness team permission to access case information and discovery information, including data room access, from their personal computers. With respect to extension of the statutory deadline for its base rate cases, PWSA indicated it was still considering its options, and that it was not ready to make any decisions.

I&E filed its Expedited Motion on March 31, 2020. Also on March 31, 2020, Administrative Law Judge Mary D. Long (“ALJ Long”) notified parties by e-mail she was the assigned ALJ for PWSA’s water and wastewater base rate increase proceedings<sup>5</sup>, as well as

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<sup>3</sup> I&E acknowledges that PWSA’s Petition for DSIC at Docket No. P-2020-3019019 is not confined to the statutory time period prescribed under 66 Pa. C.S. § 1308(d); however, as I&E explained in its Answer to PWSA’s request for consolidation, PWSA’s DSIC Petition is reliant upon and supported by PWSA’s base rate filings at Docket Nos. R-2020-3017951 and R-2020-3017970. Therefore, I&E asserts that all three proceedings warrant consolidation and should be addressed in the same proceeding and on an identical timeline.

<sup>4</sup> The Compliance Plan – Stage 1 proceeding can be found at docket numbers M-2018-2640802 and M-2018-2640803.

<sup>5</sup> By e-mail correspondence on April 20, 2020, ALJ Long notified parties that ALJ Emily DeVoe would also be presiding.

PWSA's DSIC Petition. On April 6, 2020 UNITED filed its Answer in Support of I&E's Expedited Motion. On April 8, 2020 OCA filed its Answer in Support of I&E's Expedited Motion. On April 9, 2020, ALJ Long notified parties by e-mail she was in receipt of I&E's Expedited Motion and OCA and UNITED's Answers and setting a Prehearing Conference date for April 22, 2020 at 10 a.m. On April 13, 2020 OSBA filed its Answer supporting I&E's Expedited Motion. Also on April 13, 2020, PWSA filed its Answer to I&E's Expedited Motion. On April 17, 2020 PWSA filed a Petition to Consolidate Rate Case Proceeding and Cooperation Agreement Proceeding ("Cooperation Agreement and Base Rate Consolidation Petition").<sup>6</sup>

On April 16, 2020, pursuant to 66 Pa. C.S. § 1308(d), the Commission ordered suspension of the proposed tariff changes until December 5, 2020, unless permitted by Commission Order to become effective at an earlier date. The Commission directed that the case be assigned to the Office of Administrative Law Judge for the scheduling of hearings as may be necessary for the Administrative Law Judge to render a Recommended Decision. I&E submits this Memorandum in compliance with the Prehearing Conference Order dated April 17, 2020.

## **II. CONSOLIDATION OF PROCEEDINGS**

Consistent with I&E's Answers in support of PWSA's Base Rate Consolidation Petition and DSIC and Base Rate Consolidation Petition I&E supports consolidation of the proceedings at Dockets Nos. R-2020-3017951, R-2020-3017970 and P-2020-3019019 for purposes of a common procedural schedule, testimony, hearings, and briefing.

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<sup>6</sup> PWSA's proposed Cooperation Agreement with the City of Pittsburgh is docketed at U-2020-3015258.

However, I&E does not support consolidation of these proceedings with PWSA's proposed Cooperation Agreement at docket number U-2020-3015258 unless the statutory suspension period and procedural schedule are extended.<sup>7</sup> As PWSA's petition recognizes, PWSA has yet to serve Supplemental Direct Testimony addressing the provisions of the 2019 Cooperation Agreement. Supplemental Direct Testimony is necessary not only as a threshold matter, but also, as PWSA's petition recognizes,<sup>8</sup> the Commission's March 26 Order in the Compliance Plan – Stage 1 proceeding implicates the 2019 Cooperation Agreement regarding (i) usage for metered properties; (ii) a flat fee for unmetered properties; and (iii) costs to install meters. Accordingly, I&E asserts the Commission's Order significantly impacts the terms of the 2019 Cooperation Agreement and PWSA has yet to address how the Commission's Order impacts the proposed 2019 Cooperation Agreement. Therefore, unless the statutory suspension period and procedural schedule are extended, as explained in Section VII below, I&E will not have sufficient time to conduct discovery and develop testimony on this matter, compromising the record.

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<sup>7</sup> I&E notes late in the afternoon on Friday, April 17, 2020, PWSA filed a Petition to Consolidate its 2019 Cooperation Agreement into this case. PWSA's Petition indicates a vague intent for it to submit supplemental testimony regarding the Cooperation Agreement. Additionally, PWSA's Petition also avers that expanding the scope of this case now to add the Cooperation Agreement will not implicate a need to extend the statutory schedule. I&E fundamentally rejects PWSA's position, as PWSA's makes its request more than a month after submitting its rate cases, and as its rate cases and DSIC Petition have not accounted for or supported inclusion of the Cooperation Agreement. Finally, it does not appear that PWSA served its Petition to Consolidate upon the City of Pittsburgh although the City has recently represented to the Commission, PWSA, I&E and all parties to the Compliance Plan Proceeding at docket No. M-2018-2640802et al that it intends to participate in the Cooperation Agreement case (City Petition for Reconsideration and/or Supersedeas, p. 10, footnote 3). I&E believes that the City ought to have the opportunity to seek to intervene, and participate in and be subject to discovery, and submit testimony regarding the Cooperation Agreement if it so desires. However, it is unclear to I&E whether the City is aware of PWSA's Petition to Consolidate.

<sup>8</sup> Cooperation Agreement and Base Rate Consolidation Petition, pp. 6-7.



### III. ISSUES

The following list represents I&E's preliminary determination of the potential issues in this proceeding:

1. Cost of Service Study (water/wastewater)
2. City billing (compliance with Compliance Plan Order)
3. Accuracy of Plant Improvement projections from last case
4. Rate structure (water/wastewater)
5. Alternative Ratemaking issues (2022 rate increase)
6. Allocation of revenue between water and wastewater
7. Debt Service Coverage
8. Cost of Debt
9. Debt Ratio
10. Credit Ratings
11. DSIC / PAYGO Funding
12. Non-borrowed Cash
13. Various financial metrics
14. Overall revenue requirement
15. Salaries and wages
16. Employee Benefits
17. Chemical expenses
18. Equipment
19. Materials
20. Repairs and Maintenance
21. Operating Contracts expenses
22. Office Rent
23. Professional services
24. Rate case expense
25. Misc. Admin expenses
26. PUC Assessment fees
27. Uncollectible Revenue Loss/Bed debts
28. City's Service Charges under Cooperation Agreement
29. ALCOSAN charges
30. Equipment Lease Rentals
31. Revenue implications of Compliance Plan-Stage 1 outcome.
32. Proposed DSIC

The list is as complete as can be made at this time. Additionally, the extent to which I&E is able to address these issues depend upon the time allotted in the procedural schedule in this proceeding as discussed further in Section VII below. Additionally, I&E reserves the right to amend and supplement this issue list while discovery is on-going. Additionally, I&E reserves the right to further amend and supplement its issue list to address any issues arising in supplemental testimony filed by PWSA and to address PWSA's Cooperation Agreement if it is consolidated into this case.

#### **IV. WITNESSES**

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

- Ethan Cline, Fixed Utility Valuation Engineer: Mr. Cline anticipates addressing issues identified as 1 through 6 in the above listing.
- Anthony Spadaccio, Fixed Utility Financial Analyst: Mr. Spadaccio anticipates addressing issues identified as 7 through 14 in the above listing.
- D.C. Patel, Fixed Utility Financial Analyst: Mr. Patel anticipates addressing issues identified as 15 through 31 in the above listing.
- Joseph Kubas, Fixed Utility Valuation Supervisor. Mr. Kubas anticipates addressing issue number 32 in the above listing.

The I&E witnesses may be contacted through the contact information listed above for Ms. Miller and Mr. Coogan. I&E reserves the right to substitute witnesses or call additional witnesses if warranted.<sup>9</sup> All active parties will be notified of any amendments to the I&E witness list.

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<sup>9</sup> The above issues list is provided without analysis of the positions of all parties to this proceeding and without the benefit of completed discovery.

## **V. EVIDENCE**

I&E expects to present all written direct, rebuttal and surrebuttal testimony and accompanying exhibits at the evidentiary hearing. Moreover, I&E intends to rely on the Company's filing, answers to data requests and interrogatories, annual reports and other documents submitted to the Commission, other relevant Commission filings, any other relevant Commonwealth agency letters or reports, general financial market information sources and other public documents and reports. However, there may be issues of Commission policy or legal representation 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 through briefing.

## **VI. DISCOVERY**

I&E requests that the Commission's Rules of Practice and Procedure for the conduct of discovery be modified as follows:

1. Answers to written interrogatories shall be served in-hand within ten (10) calendar days of service.
2. Objections to interrogatories shall be communicated orally within three (3) calendar days of service; unresolved objections be served to the ALJs in writing within seven (7) calendar days of service of interrogatories.
3. Motion to dismiss objections and/or direct the answering of interrogatories shall be filed within five (5) calendar days of service of written objections.
4. Answers to motions to dismiss objections and/or direct the answering of interrogatories shall be filed within five (5) calendar days of service of such motions.

5. Discovery served after 12:00 noon on a Friday or after 12:00 p.m. on any business day preceding a state holiday will be deemed to be served on the next business day.

## **VII. SCHEDULE**

Pursuant to the Commission's March 20, 2020 Emergency Order, I&E's Expedited Motion, supported by the OCA, OSBA, and UNITED, requests that Chief ALJ Charles E. Rainey, Jr. extend the statutory suspension period arising under 66 Pa. C.S. § 1308(d) commensurate with the closure of Commission offices. As explained in full in I&E's Expedited Motion, the closure of the Commission's offices have significantly disrupted I&E's operations, and UNITED, OCA, and OSBA's answers supporting I&E similarly note that the ongoing pandemic significantly impacts "business-as-usual" and merit extending the statutory suspension period. To the extent the ALJs grant I&E's Expedited Motion, I&E supports a delay of the procedural schedule commensurate with extension of the statutory suspension period.

However, all parties continue to confer telephonically and by e-mail regarding the potential for a settlement of I&E's Expedited Motion and answers thereto by means of a mutually agreeable extension of the statutory suspension period and procedural schedule in this proceeding. Although parties are continuing to discuss settlement, the parties have not yet agreed to a schedule. I&E is committed to cooperating with all parties and with the ALJs to finalize an acceptable procedural schedule that does not compromise I&E's statutory duty to represent the public interest. However, if the parties are not able to agree upon a schedule, I&E respectfully requests that its Expedited Motion be ruled upon as expeditiously as possible.<sup>10</sup>

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<sup>10</sup> I&E notes that it has had multiple good-faith discussions with PWSA and other parties in an attempt to resolve I&E's Expedited Motion. Unfortunately, those discussions have not produced a resolution that is consistent with PWSA bearing its burden of proof and with ensuring that I&E can fulfill its obligation to protect the public interest.

For illustration purposes intended only to facilitate discussion during the Prehearing Conference, I&E offers the following procedural schedule for consideration, provided that PWSA makes certain commitments with respect to the subject matter of its supplemental testimony:<sup>11</sup>

PWSA Supplemental Testimony/ Corrections to Original Filing	June 15, 2020
Non-PWSA Direct Testimony	August 12, 2020
Rebuttal Testimony	September 11, 2020
Surrebuttal Testimony	September 29, 2020
Hearings	Begin October 5, 2020
Main Briefs	October 27, 2020
Reply Briefs	November 10, 2020

These dates presume Commission offices reopen on May 8, 2020. If parties and the ALJs adopt the above schedule, should Governor Wolf further extend closure of Commission offices past May 8, I&E respectfully requests that the ALJs hold additional Prehearing Conferences or status calls as necessary to determine whether a further modification to the procedural schedule is necessary. Until a final procedural schedule can be agreed upon by PWSA, I&E, all other parties, and the ALJs, I&E respectfully requests the ALJs hold its Expedited Motion in abeyance.

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<sup>11</sup> See Section VIII below.

## **VIII. PWSA SUPPLEMENTAL TESTIMONY/ CORRECTIONS TO ORIGINAL FILING**

As PWSA recognized in its Cooperation Agreement and Base Rate Consolidation Petition, it still needs to file supplemental testimony regarding its proposed Cooperation Agreement. I&E avers, should its proposed schedule above be adopted, PWSA must also file supplemental testimony and corrections to its original filing no later than June 15, 2020 to account for two significant events that have occurred since its original filing on March 6: (1) the Commission's March 26 Order concerning PWSA's Stage 1 Compliance Plan proceeding; and (2) the COVID-19 pandemic. I&E avers the current end of the suspension period on December 5, 2020 will not allow sufficient time for PWSA and parties to account for the significant impact of these matters on the record. Therefore, in addition to the reasons outlined in I&E's Expedited Motion, the importance of this supplemental material also merit the extension of the statutory suspension period and procedural schedule in the proceeding.

Specifically, as PWSA has already admitted, the Commission's Stage 1 Compliance Plan Order impacts its proposed Cooperation Agreement, which contains issues intertwined with its base rate filing. However, the Commission's Order addressed issues not just related to the proposed Cooperation Agreement (e.g., replacement of lead service lines), so PWSA should definitively address the impact of the Commission's Order in supplemental testimony and corrections to its original filing. Additionally, PWSA's filing was based on projections before the pervasive impact of the COVID-19 pandemic was clear. For instance, since PWSA's March 6 filing, in accordance with Governor Wolf's orders, it appears that various capital construction projects have been halted, and that PWSA itself has reported a 12 percent reduction in total

demand and furloughs.<sup>12</sup> Additionally, I&E is generally aware that water and wastewater utilities may be presented with opportunities to pursue federal and other types of relief funding due to the impacts of COVID-19. I&E avers that PWSA should be obligated to update its filing with information, if any, about the types of funding it is pursuing and the status, since its as-filed revenue requirement does not contemplate any such funding. I&E recognizes the full impact of the COVID-19 pandemic may still not be known by June 15; however, I&E asserts its impact cannot be overlooked and, as the party with the burden of proof, PWSA must supplement its filing to account for this historic event to the best of its ability. Therefore, I&E respectfully requests that the ALJs direct PWSA to include supplemental testimony and corrections to its originally base rate filing to account for: (1) the Commission's March 26 Order concerning PWSA's Stage 1 Compliance Plan proceeding; and (2) the COVID-19 pandemic<sup>13</sup>.

## **IX. SERVICE OF DOCUMENTS**

For purposes of satisfying in-hand requirements for discovery responses, prepared testimony and briefs during the closure of Commission offices, and consistent with Paragraph 8 of the Commission's March 20, 2020 Emergency Order,<sup>14</sup> I&E will both only serve and accept electronic delivery of documents. Upon re-opening of Commission offices, I&E requests parties provide a follow-up hard copy provided by regular first-class mail in addition to electronic delivery.

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<sup>12</sup> Raftelis, *The Financial Impact of the COVID-19 Crisis on U.S. Drinking Water Utilities*, April 14, 2020, pp. 9, 31 [https://www.awwa.org/Portals/0/AWWA/Communications/AWWA-AMWA-COVID-Report\\_2020-04.pdf](https://www.awwa.org/Portals/0/AWWA/Communications/AWWA-AMWA-COVID-Report_2020-04.pdf)

<sup>13</sup> Additionally, if PWSA's Petition to Consolidate the Cooperation Agreement is granted, PWSA should also be ordered to support it as well.

<sup>14</sup> Docket No. M-2020-3019262, *Re: Suspension of Regulatory and Statutory Deadlines; Modification to Filing and Service Requirements*.

**X. PUBLIC INPUT HEARINGS**

To the extent that public input hearings are deemed necessary in this proceeding, I&E advocates for the use of Smart Hearings where possible.

**XI. SETTLEMENT**

I&E intends to participate in any settlement discussions and is willing to work with the parties to reach a resolution of any or all issues. In the event settlement discussions fail to result in a complete resolution of the matter, I&E is prepared to fully or partially litigate this proceeding.

Respectfully submitted,



Gina L. Miller  
Prosecutor  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission

John M. Coogan  
Prosecutor  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
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April 21, 2020



**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, et al : Docket Nos. R-2020-3017951  
: C-2020-3019348  
v. : C-2020-3019305  
:  
Pittsburgh Water and Sewer Authority - Water :

Pennsylvania Public Utility Commission, et al : Docket Nos. R-2020-3017970  
: C-2020-3019349  
v. : C-2020-3019302  
:  
Pittsburgh Water and Sewer Authority - Wastewater :

Petition of Pittsburgh Water and Sewer Authority For : Docket No. P-2020-3019019  
Waiver of Provisions of Act 11 to Increase The DSIC :  
CAP, to Permit Levelization of DSIC Charges, and to :  
Authorize the Pay-As-You-Go Method of Financing :

**CERTIFICATE OF SERVICE**

I hereby certify that I am serving the foregoing **Prehearing Memorandum** dated April 21, 2020 in the manner and upon the persons listed below:

**Served via Electronic Mail Only**

Deanne M. O'Dell, Esq.  
Daniel Clearfield, Esq.  
Karen O. Moury, Esq.  
Eckert Seamans Cherin & Mellott LLC  
[dodell@eckertseamans.com](mailto:dodell@eckertseamans.com)  
[dclearfield@eckertseamans.com](mailto:dclearfield@eckertseamans.com)  
[kmoury@eckertseamans.com](mailto:kmoury@eckertseamans.com)

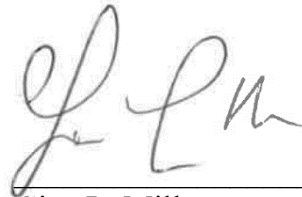
Sharon Webb, Esq.  
Erin K. Fure, Esq.  
Daniel G. Asmus, Esq.  
Office of Small Business Advocate  
[swebb@pa.gov](mailto:swebb@pa.gov)  
[efure@pa.gov](mailto:efure@pa.gov)  
[dasmus@pa.gov](mailto:dasmus@pa.gov)

Christine Maloni Hoover, Esq.  
Erin L. Gannon, Esq.  
Lauren E. Guerra, Esq.  
Office of Consumer Advocate  
[choover@paoca.org](mailto:choover@paoca.org)  
[egannon@paoca.org](mailto:egannon@paoca.org)  
[lguerra@paoca.org](mailto:lguerra@paoca.org)

Elizabeth R. Marx, Esq.  
John W. Sweet, Esq.  
Ria Pereira  
The Pennsylvania Law Utility Project  
[pulp@palegalaid.net](mailto:pulp@palegalaid.net)  
*Counsel for Pittsburgh UNITED*

Michael A. Gruin, Esq.  
Stevens & Lee  
[mag@stevenslee.com](mailto:mag@stevenslee.com)  
*Counsel for PAWC*

Dimple Chaudhary, Esq.  
Peter J. DeMarco, Esq.  
Cecilia Segal, Esq.  
Natural Resources Defense Council  
[dchaudhary@nrdc.org](mailto:dchaudhary@nrdc.org)  
[pdemarco@nrdc.org](mailto:pdemarco@nrdc.org)  
[csegal@nrdc.org](mailto:csegal@nrdc.org)



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Gina L. Miller  
Prosecutor  
Bureau of Investigation and Enforcement  
PA Attorney ID No. 313863