



Thomas J. Sniscak
(717) 703-0800
tjsniscak@hmslegal.com

Kevin J. McKeon
(717) 703-0801
kjmckeon@hmslegal.com

Whitney E. Snyder
(717) 703-0807
wesnyder@hmslegal.com

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 www.hmslegal.com

August 27, 2020

VIA ELECTRONIC FILING

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

Re: Pennsylvania Public Utility Commission v. Pittsburgh Water and Sewer Authority
– Water; Docket Nos. R-2020-3017951, et al.

Pennsylvania Public Utility Commission v. Pittsburgh Water and Sewer Authority
– Wastewater; Docket Nos. R-2020-3017970, et al.

Petition of The 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

**STIPULATION RECOGNIZING IMPACT OF ACT 70 UPON PWSA'S
MUNICIPAL RATE PROPOSAL**

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission is the Stipulation Recognizing Impact of Act 70 Upon PWSA's Municipal Rate Proposal in the above-referenced matter. In addition to the parties who signed the Stipulation, both the Office of Small Business Advocate and Pittsburgh United have indicated their non-opposition to the Stipulation. Copies have been served in accordance with the attached Certificate of Service.

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
August 27, 2020
Page 2

If you have any questions regarding this filing, please contact the undersigned.

Very truly yours,

/s/ Thomas J. Sniscak

Thomas J. Sniscak
Kevin J. McKeon
Whitney E. Snyder
Counsel for The City of Pittsburgh

TJS/das
Enclosures

cc: Honorable Mary D. Long (malong@pa.gov)
Honorable Emily I. DeVoe (edevoe@pa.gov)
Yvonne S. Hilton, City Solicitor (yvonne.hilton@pittsburghpa.gov)
John F. Doherty, Associate City Solicitor (john.doherty@pittsburghpa.gov)
Lawrence H. Baumiller, Assistant City Solicitor (lawrence.baumiller@pittsburghpa.gov)
Per Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the forgoing document upon the persons listed below in accordance with the requirements of § 1.54 (relating to service by a party).

VIA ELECTRONIC MAIL ONLY

Sharon Webb, Esq.
Erin K. Fure, Esq.
Office of Small Business Advocate
Forum Place Building
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
swebb@pa.gov
efure@pa.gov
dasmus@pa.gov

Christine Maloni Hoover, Esq.
Erin L. Gannon, Esq.
Lauren E. Guerra, Esq.
Santo G. Spataro, Esq.
Office of Consumer Advocate
555 Walnut St., 5th Fl.,
Forum Place
Harrisburg, PA 17101-1923
choover@paoca.org
egannon@paoca.org
lguerra@paoca.org
sspataro@paoca.org

Gina L. Miller, Esq.
John M. Coogan, Esq.
Bureau of Investigation & Enforcement
Commonwealth Keystone Building
400 North St., 2nd Floor West
Harrisburg, PA 17120
ginmiller@pa.gov
jcoogan@pa.gov

Ria Pereira, Esq.
Elizabeth R. Marx, Esq.
John W. Sweet, Esq.
The Pennsylvania Utility Law Project
118 Locust St.
Harrisburg, PA 17101
pulp@palegalaid.net

Deanne M. O'Dell, Esq.
Daniel Clearfield, Esq.
Karen O. Moury, Esq.
Eckert Seamans Cherin & Mellott, LLC
213 Market Street 8th Floor
Harrisburg, PA 17101
dodell@eckertseamans.com
dclearfield@eckertseamans.com

/s/ Thomas J. Sniscak

Thomas J. Sniscak
Kevin J. McKeon
Whitney E. Snyder

DATED: August 27, 2020

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	Docket Nos.	R-2020-3017951 (water)
	:		C-2020-3019348
v.	:		C-2020-3019305
	:		
Pittsburgh Water and Sewer Authority - Water	:		
	:		
Pennsylvania Public Utility Commission	:	Docket Nos.	R-2020-3017970 (wastewater)
	:		C-2020-3019349
v.	:		C-2020-3019302
	:		
Pittsburgh Water and Sewer Authority - Wastewater	:		
	:		
Petition of The 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 Nos.	P-2020-3019019
	:		
	:		
	:		
	:		
	:		

Stipulation Recognizing Impact of Act 70 Upon PWSA’s Municipal Rate Proposal

NOW COME the Stipulating Parties (“Stipulating Parties”) to the above-captioned proceedings seeking to conserve the time and resources of all parties to the proceeding, the Presiding Administrative Law Judges, and the Commission, and hereby stipulate as follows and request that the following be made part of the record:

1. During the pendency of these rate proceedings legislation was passed that governs the rates to be charged by the Pittsburgh Water & Sewer Authority (PWSA) to the City of Pittsburgh (City).
2. Specifically, on July 23, 2020, Governor Wolf signed Act 70, which, among other things, provides that the 2019 Cooperation Agreement between PWSA and the City has “the force

and effect of law” until January 1, 2025, unless PWSA and the City mutually agree to an earlier termination date. Section 2802-G. Also, Act 70 provides that the 2019 Cooperation Agreement shall “supersede, during the term of the cooperation agreement, any provision of 66 Pa.C.S. Pt. I, a commission regulation, policy statement, order and regulatory proceeding as they pertain to issues covered by the cooperation agreement, including the authority's rates, terms and conditions of service rendered to the city and the respective rights and duties between the authority and the city.” Section 2803-G. Act 70 is attached as Appendix A.

3. During the pendency of this proceeding and due to Commission Orders in a different proceeding issued before Act 70 became law, PWSA submitted supplemental testimony that revised the original position contained in its direct testimony submitted on March 6, 2020 by proposing to establish a Municipal rate in these rate proceedings for the first time on May 15, 2020.
4. On July 21, 2020, the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, and the Office of Small Business Advocate submitted their direct testimony in response to PWSA’s direct and supplemental testimony, and proposed adjustments or a different Municipal rate. At the time that these parties submitted their direct testimony, PWSA’s Municipal rate proposal was operative and not contravened by Act 70.
5. Based on the foregoing legislative provision as cited in paragraph 2 above, an unopposed petition for leave to withdraw PWSA’s proceeding for approval of the Cooperation Agreement under 66 Pa. C.S. § 507 was filed by PWSA. That petition is pending decision before the Administrative Law Judges.

6. Due to Act 70, PWSA has withdrawn or will withdraw its Supplemental testimony and associated exhibits or schedules establishing a Municipal rate for the City.
7. Due to Act 70 the Stipulated Parties agree that each is withdrawing any proposed Municipal Rate and withdraws any such recommendation or evidence in support of any recommended Municipal Rate in the above-captioned rate dockets. Withdrawal of such recommendation or evidence may be performed by any one of the four methods described in paragraph 8.
8. The Stipulating Parties shall indicate and identify, before entering any pre-submitted testimony and exhibits into the record, which portions of their pre-submitted testimony and exhibits are withdrawn. The Stipulated Parties may do so through (i) strike-through; (ii) a separate sheet identifying what pages, lines or sections or portions of exhibits are withdrawn; (iii) by clean copy; (iv) or by surrebuttal testimony. The Stipulating Parties may adjust any schedule that would change solely due to the withdrawal of a Municipal rate proposed or adjustment thereto. The Parties also agree that they will withdraw any adjustments in the rate case that assumes payments or remittances that are inconsistent with the Cooperation Agreement.
9. Stipulating Parties agree if a party withdraws its Municipal rate recommendation through surrebuttal testimony, the withdrawing party need not specifically identify each and every page, line or sections or portions of exhibits of its prior testimony related to the Municipal rate recommendation that should be considered withdrawn. However, the withdrawing party agrees it will make best efforts to refer to its prior testimony with sufficient specificity to leave no uncertainty its Municipal rate recommendation has been withdrawn.

10. If a party withdraws its recommendation regarding a Municipal rate through surrebuttal testimony, the Stipulating Parties agree they will not seek to prevent entry into the record of any testimony that the withdrawing party submitted prior to surrebuttal testimony related to the Municipal rate to the extent the recommendation contained in such prior testimony related to the Municipal rate has been withdrawn through surrebuttal testimony.
11. This Stipulation is without admission or prejudice in any other part of these rate proceedings and in any future rate proceeding.
12. The Stipulating Parties request that this stipulation be approved and made part of the record.
13. This Stipulation may be executed in counterparts, which shall together constitute one and the same stipulation agreement.

Stipulating parties:

For the City of Pittsburgh:	<u>Thomas J. Sniatak</u>	Date: 8/21/20
For the Pittsburgh Water & Sewer Authority:	_____	Date:
For the Bureau of Investigation & Enforcement:	_____	Date:
For the Office of Consumer Advocate:	_____	Date:
For the Office of Small Business Advocate:	_____	Date:

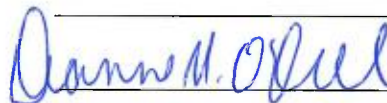
10. If a party withdraws its recommendation regarding a Municipal rate through surrebuttal testimony, the Stipulating Parties agree they will not seek to prevent entry into the record of any testimony that the withdrawing party submitted prior to surrebuttal testimony related to the Municipal rate to the extent the recommendation contained in such prior testimony related to the Municipal rate has been withdrawn through surrebuttal testimony.
11. This Stipulation is without admission or prejudice in any other part of these rate proceedings and in any future rate proceeding.
12. The Stipulating Parties request that this stipulation be approved and made part of the record.
13. This Stipulation may be executed in counterparts, which shall together constitute one and the same stipulation agreement.

Stipulating parties:

For the City of Pittsburgh:

Date: 8/21/20

For the Pittsburgh Water & Sewer Authority:



Date: 8/21/20

For the Bureau of Investigation & Enforcement:

Date:

For the Office of Consumer Advocate:

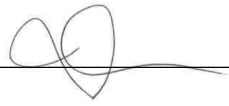
Date:

For the Office of Small Business Advocate:

Date:

10. If a party withdraws its recommendation regarding a Municipal rate through surrebuttal testimony, the Stipulating Parties agree they will not seek to prevent entry into the record of any testimony that the withdrawing party submitted prior to surrebuttal testimony related to the Municipal rate to the extent the recommendation contained in such prior testimony related to the Municipal rate has been withdrawn through surrebuttal testimony.
11. This Stipulation is without admission or prejudice in any other part of these rate proceedings and in any future rate proceeding.
12. The Stipulating Parties request that this stipulation be approved and made part of the record.
13. This Stipulation may be executed in counterparts, which shall together constitute one and the same stipulation agreement.

Stipulating parties:

For the City of Pittsburgh:	_____	Date:
For the Pittsburgh Water & Sewer Authority:	_____	Date:
For the Bureau of Investigation & Enforcement:	 _____	Date: 8/21/20
For the Office of Consumer Advocate:	_____	Date:
For the Office of Small Business Advocate:	_____	Date:

10. If a party withdraws its recommendation regarding a Municipal rate through surrebuttal testimony, the Stipulating Parties agree they will not seek to prevent entry into the record of any testimony that the withdrawing party submitted prior to surrebuttal testimony related to the Municipal rate to the extent the recommendation contained in such prior testimony related to the Municipal rate has been withdrawn through surrebuttal testimony.
11. This Stipulation is without admission or prejudice in any other part of these rate proceedings and in any future rate proceeding.
12. The Stipulating Parties request that this stipulation be approved and made part of the record.
13. This Stipulation may be executed in counterparts, which shall together constitute one and the same stipulation agreement.

Stipulating parties:

For the City of Pittsburgh:	<u>Thomas J. Sniatak</u>	Date: 8/21/20
For the Pittsburgh Water & Sewer Authority:	_____	Date:
For the Bureau of Investigation & Enforcement:	_____	Date:
For the Office of Consumer Advocate:	<u>Christine Maloni Hoover</u>	Date: 8/21/20
For the Office of Small Business Advocate:	_____	Date: