

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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April 28, 2021

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

Re: Implementation of Chapter 32 of the Public Utility
Code Regarding Pittsburgh Water and Sewer
Authority – Stage 2
Docket Nos. M-2018-2640802
M-2018-2640803

Petition of The Pittsburgh Water and Sewer
Authority for Approval of Its Long-Term
Infrastructure Improvement Plan
Docket Nos. P-2018-3005037
P-2018-3005039

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Answer to Pittsburgh Water and Sewer Authority's Petition to Amend the Procedural Process for Customer Service and Collection Issues in the above-referenced proceedings.

Copies have been served per the attached Certificate of Service.

Respectfully submitted,

/s/ Erin L. Gannon

Erin L. Gannon

Senior Assistant Consumer Advocate

PA Attorney I.D. # 83487

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Enclosures

cc: Certificate of Service

*307868

CERTIFICATE OF SERVICE

Re: Implementation of Chapter 32 of the Public Utility Code Regarding Pittsburgh Water and Sewer Authority – Stage 2	:	Docket Nos.	M-2018-2640802 M-2018-2640803
Petition of The Pittsburgh Water and Sewer Authority for Approval of Its Long-Term Infrastructure Improvement Plan	:	Docket Nos.	P-2018-3005037 P-2018-3005039

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate's Answer to Pittsburgh Water and Sewer Authority's Petition to Amend the Procedural Process for Customer Service and Collection Issues, 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 28th day of April 2021.

SERVICE BY E-MAIL ONLY

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Dated: April 28, 2021
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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

ANSWER OF THE OFFICE OF CONSUMER ADVOCATE TO
PITTSBURGH WATER AND SEWER AUTHORITY’S
PETITION TO AMEND THE PROCEDURAL PROCESS FOR
CUSTOMER SERVICE AND COLLECTIONS ISSUES

I. INTRODUCTION

1. On April 9, 2021, Pittsburgh Water and Sewer Authority (PWSA) filed a Petition for Amendment of the Commission’s February 4, 2021 Final Order Regarding Procedural Process for Customer Service and Collections Issues (Petition). PWSA seeks to change the process established by the Commission for hearing and disposition of Stage 2 of the Compliance Plan with regard to customer service issues.¹ The table below compares the Commission’s procedure, set

¹ PWSA defines “customer service issues” as those relating to Chapter 14 of the Public Utility Code (66 Pa. C.S. §§ 1401-1418), Chapter 56 of the Commission’s regulations (52 Pa. Code §§ 56.1-56.453), PWSA’s compliance with the Discontinuance of Services to Leased Premises Act (DSLPA) (66 Pa. C.S. §§ 1521-1533), and PWSA’s plan for collections (Implementation of Chapter 32 of the Public Utility Code Regarding Pittsburgh Water and Sewer Authority – Stage 1, Docket Nos. M-2018-2640802, M-2018-2640803, Secretarial Letter (May 15, 2019)). By separate Motion, PWSA has requested that the Stage 2 Compliance Plan relating to stormwater issues be held in abeyance pending resolution of PWSA’s base rate case, which includes its request for approval of a storm water tariff and stormwater fee. The OCA supports that Motion.

forth on pages 64 and 65 of the February 4, 2021 Order, and PWSA’s proposed changes listed on page 6 of the Petition.

Commission Schedule	PWSA Proposal
Filing of Stage 2 Compliance Plan by PWSA within 60 days	Filing of Stage 2 Compliance Plan by PWSA on April 9, 2021
Filing of comments by stakeholders within 20 days after filing of Stage 2 Compliance Plan	Establishment of a time period for informal discovery and workshops among the parties and with Staff
Issuance of Secretarial Letter by the Commission assigning Stage 2 to the OALJ, including Staff’s directed questions relating to: (a) PWSA compliance with Chapter 14 of the Public Utility Code and Chapter 56 of the Commission’s regulations, and (b) PWSA operations as a regulated stormwater utility, within 45 days after filing of Stage 2 Compliance Plan	Filing of comments by stakeholders within 20 days after conclusion of the informal discovery and workshop period
	Issuance of an Order by the Commission, of which the Commission would determine the scope and which could detail its initial review of PWSA’s Stage 2 Compliance Plan and provide additional direction ²
	Assignment of remaining issues in dispute to the OALJ
Evidentiary hearings conducted by OALJ to address the Stage 2 Initial Report and directed questions	Evidentiary hearings conducted by OALJ to address the unresolved issues in the Stage 2 Compliance Plan and Directed Questions
Issuance of Recommended Decision by OALJ within 9 months of receiving the assignment of Stage 2 Compliance Plan	Issuance of Recommended Decision by OALJ within 9 months of receiving the assignment of Stage 2 Compliance Plan

² PWSA provides examples of such additional direction: “Direct the further procedural process for review; seek additional information from PWSA; provide another comment period or schedule further workshops, upon receipt of that additional information (similar to the process the Commission uses during the review of a universal service plan); identify specific areas in which the Commission tentatively concludes that PWSA is or is not in compliance; offer PWSA another opportunity to explain how it will come into compliance without the need to refer the issue(s) to OALJ; and detail specific areas that the Commission has determined would be best addressed through the OALJ process, including the issuance of Directed Questions.” Petition at 6.

II. OCA ANSWER

2. As a general matter, the OCA supports the process established by the Commission. PWSA came under the Commission's jurisdiction in April 2018. 66 Pa. C.S. § 3202(a)(1). Three years later, there remain important consumer protection issues to be resolved. The OCA supports the Commission's process because it serves to get these issues before an Administrative Law Judge (ALJ) for timely hearing and disposition.

3. The OCA does not oppose modifications to the Commission's process that will still achieve that goal of timely hearing and disposition by the ALJ. The OCA believes, however, that many of the concerns raised by PWSA could be addressed with only minor modifications to the schedule established by the Commission. For example, the OCA does not oppose a modest extension to accommodate further discovery, negotiation and narrowing of issues, and to recognize that the parties' time and resources are also being directed toward PWSA's rate case filings.

4. The OCA does oppose modifications to the Commission's schedule that are open-ended and could unreasonably delay resolution of the customer service issues. For example, PWSA proposes adding a workshop and informal discovery period to the schedule but does not specify any deadlines. Petition at 6. PWSA also adds a comment process of undefined duration. Id. In the event that any changes are made to the Commission's schedule, the OCA submits that a definitive schedule should be set. For purposes of the workshops/informal discovery period, for example, the OCA suggests that 30 to 45 days should be adequate.

III. CONCLUSION

For the reasons set forth above, the OCA generally supports the procedural process set forth in the February 4, 2021 Order. The OCA does not oppose a modest extension of 30 to 45 days before the proceeding is assigned to the Office of Administrative Law Judge. The OCA respectfully requests that, if the Commission determines to amend its procedural process for Stage 2 customer service issues, such amendments should be of limited and specific duration.

Respectfully Submitted,

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DATE: April 28, 2021