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April 30, 2021

Via Electronic Filing

Rosemary Chiavetta, Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Implementation of Chapter 32 of the Public Utility Code RE: Pittsburgh Water
and Sewer Authority; Docket Nos. M-2018-2640802 and 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 and P-2018-3005039

Dear Secretary Chiavetta:

On April 9, 2021, The 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 with regard to the above captioned matter (“Petition to Amend”). On April 16, 2021, the Bureau of Investigation and Enforcement filed a letter in support of PWSA’s Petition to Amend. By Secretarial Letter dated April 23, 2021, the Commission directed other interested stakeholders to file any answers by April 28, 2021. In response, timely Answers were filed by the Office of Consumer Advocate (“OCA”) and Pittsburgh United (“United”). **The purpose of this letter is to note the points of agreement among PWSA, OCA and United to assist the Commission’s consideration of PWSA’s procedural process request.**

Importantly, neither OCA nor United oppose PWSA’s proposal to establish a time period for informal discovery and workshops among the parties and with Commission Staff.¹ Both parties suggest a 45 day time period may be reasonable. PWSA can support a 45 day time period for this process.

United raises concerns about the value of such process if: (1) the parties are unable to obtain informal discovery responses in a timely manner; and, (2) the staff from the Commission’s Bureau of Consumer Services (“BCS”) is unable to provide feedback given PWSA’s ongoing rate case.² PWSA is committed to moving this process forward and there is no factual basis upon which to presume that it would not cooperate in a timely manner regarding informal discovery. Concerns about BCS involvement in this process may be resolved by clear direction from the Commission that the customer service issues are to be addressed in the Compliance Plan Stage 2 proceeding and not PWSA’s current rate case. As explained in the Petition to Amend, the Commission followed a

¹ OCA Answer ¶3 at 3; United Answer ¶26 at 9.

² PWSA filed a base rate case on April 13, 2021 at Docket Nos. R-2021-3024773 (water); R-2021-3024774 (wastewater); and, R-2021-3024779 (stormwater).

similar path when carving issues out of the Compliance Plan Stage 1 litigation proceeding to permit discussion of them in the prior Compliance Plan Stage 2 workshop process.³

The Petition to Amend recommended that the due date for interested stakeholder comments be moved until after conclusion of the workshop/informal discovery period based on the view that stakeholders would be better positioned to offer more complete comments for the Commission's consideration. Both OCA and United filed comments on April 29, 2021. The prefatory language of the comments underscores the value of permitting a reasonable period of time for informal discovery/workshops as each party notes that their comments are "preliminary in nature" intended to provide an "overview of the most readily apparent issues."⁴ To be clear, PWSA appreciates these preliminary observations and remains hopeful that the opportunity to work through the identified issues on an informal basis with the assistance of BCS could lead to a more timely and mutually agreeable resolution of the concerns. At the end of the informal discovery/workshop process, the Commission could decide whether an additional round of comments would assist it in determining next steps.

The form of Commission action prior to referral to the Office of Administrative Law Judge ("OALJ") was significantly addressed by United. United mistakenly claims that the Petition to Amend advocated for the issuance of a "Tentative" Order. On the contrary, the Petition to Amend recommends issuance of an "Order" by the Commission. . . which . . . would determine the scope and could detail its initial review of PWSA's Stage 2 Compliance Plan and provide additional direction."⁵ The Petition to Amend makes clear that further direction from the Commission would be at the Commission's discretion and PWSA did not advocate specifically for a "Tentative" Order. While PWSA disagrees that a Tentative Order would limit any party's due process rights in this matter, contrary to arguments advanced by United, PWSA submits that direction from the Commission (in whatever form deemed appropriate by the Commission) after a reasonable opportunity for BCS and parties to informally discuss PWSA's Compliance Plan is critical.

PWSA appreciates the Commission's consideration of its request.

Sincerely,



Deanne M. O'Dell

cc: Certificate of Service (via email only)

³ Petition to Amend, ¶¶13-14 at 6-7. See also *Implementation of Chapter 32 of the Public Utility Code Regarding Pittsburgh Water and Sewer Authority – Stage 1*, Docket Nos. M-2018-2640802 (water) and M-2018-2640803 (wastewater), *Secretarial Letter dated May 15, 2019* at 3 (the Commission granted the joint request of the parties in the Stage 1 litigation to extend the litigation timelines and approved the request that all customer service related issues including those referenced in the Directed Questions be moved to the Compliance Plan Stage 2 process so that they could be freely discussed during the then on-going Stage 2 workshops). Given the parties' joint agreement to address all customer service issues during the Stage 2 Compliance Plan proceeding, it is factually incorrect to state that the parties were "unable to reach Settlement on these issues in the Stage 1 Compliance Plan proceeding" given that they were not a part of that proceeding. See United Answer ¶13 at 3.

⁴ OCA Comments at 2; United Comments at 2.

⁵ Petition to Amend, ¶13 at 6 (emphasis added).

CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of PWSA's foregoing Letter 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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