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|  | **PENNSYLVANIA**  **PUBLIC UTILITY COMMISSION**  **Harrisburg, PA 17105-3265** |  |

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|  | Public Meeting held March 15, 2018 |
| Commissioners Present: |  |

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| Gladys M. Brown, Chairman | |  |
| Andrew G. Place, Vice Chairman | |  |
| Norman J. Kennard, Commissioner, Statement |  | | |
| David W. Sweet, Commissioner |  | | |
| John F. Coleman, Jr., Commissioner |  | | |
| Implementation of Chapter 32 of the  Public Utility Code Re Pittsburgh Water  And Sewer Authority | M-2018-2640802 (water)  M-2018-2640803 (wastewater) | | |

**FINAL IMPLEMENTATION ORDER**

**BY THE COMMISSION:**

On January 18, 2018, the Pennsylvania Public Utility Commission issued its Tentative Implementation Order (TIO) in the above-referenced dockets whereby it requested comment on proposals to effectuate Act 65 of 2017. That Act amended the Public Utility Code by adding Chapter 32. Chapter 32 addresses Commission jurisdiction over the provision of utility water, wastewater, and stormwater service by entities created by Pennsylvania cities of the second class under the Municipal Authorities Act (MAA). 66 Pa. C.S. §§ 3201-3209. Pittsburgh is the only Pennsylvania city of the second class. Under this legislation the Commission will have jurisdiction over the Pittsburgh Water and Sewer Authority (PWSA), the utility authority created by the City of Pittsburgh.

The TIO proposed methods by which the Commission and affected entities could carry out the tariff filing, compliance plan review, and assessment provisions of Chapter 32. The TIO invited interested parties to provide comment on the Commission’s tentative proposals and interpretations and to offer additional recommendations worth consideration.

The statutory deadlines of Act 65 do not accommodate a leisurely implementation schedule for either the Commission or PWSA. Act 65 was promulgated with the intent of generating both immediate and long-term results to benefit the well-being of the Pittsburgh region and the Commonwealth at large. The TIO and this Final Implementation Order reflect the short period Act 65 provides for Commission consideration and action on these issues. The Commission expresses its thanks to commenters for their expedient effort to meet the demands of the Act and for the presentation of valuable input that will inform this Order and work to achieve the benefits expected by the affected public.

Fifteenparties submitted comments in response to the TIO. The entities that provided comments are comprised of PWSA, the Blue Ribbon Panel of the City of Pittsburgh (BRP), Pittsburgh UNITED (UNITED), the Pennsylvania-American Water Company (PAWC), the Commission’s Bureau of Investigation and Enforcement (BIE), the Pennsylvania Office of Small Business Advocate (OSBA), and the Pennsylvania Office of Consumer Advocate (OCA). Eight individuals provided comments, all submitting a similar letter: Martin Rafanan, Carlyn Van Dyke, Dan Scheid, Alicia Salvadeo, Mark Dixon, Laura Horowitz, Maureen Copeland, and Krystie Knight (jointly “Consumer Letters”). The Commission will address issues raised by each in detail below. With the benefit of the comments, the Commission will provide affirmative expectations and instructions for PWSA to begin to meet its obligations under Chapter 32 of the Public Utility Code.

**DISCUSSION**

The goal of this Order is to provide PWSA and stakeholders with expedient guidance as to how PWSA may work to comply with its obligations under Chapter 32. The filing deadlines proposed in the TIO, and adopted here, demand considerable effort on the part of all affected. Achieving the goals of Act 65 likewise demands initiative from PWSA, the Commission, and from stakeholders.

In its effort to meet the immediate deadlines of the Act, the Commission will not schedule *ad hoc* collaborative proceedings designed to advise or shape mandatory PWSA filings under the Act. Similarly, the Commission will not conduct informal proceedings beyond the TIO and this Order to identify issues of concern or establish hybrid rules to govern PWSA during the regulatory transition period established by Act 65. Instead, this Final Implementation Order will set forth the schedule, procedures and requirements for compliance with Act 65.

Act 65 expressly defines the proceedings in which stakeholders are expected to participate to achieve the goals of Chapter 32. That is, the Commission is certain about the end-state regulatory paradigm for PWSA. Section 3202 of the Public Utility Code provides that it will be subject to Commission regulation in the same manner as a public utility; there is no need to conduct informal collaborative proceedings to explore this point. Appropriate to their needs and expectations, stakeholders should participate in the upcoming tariff and compliance plan proceedings such that the Commission may approve tariff and compliance plan measures supported by fully vetted factual and legal proposals.

That said, the PWSA comments indicate that it is making a good faith effort to fulfill its obligations under Chapter 32, and it otherwise appears willing to operate under the transparent and uniform regulation that the Public Utility Code will apply to it and its customers. From its Comments, it appears that PWSA has taken a laudatory approach to a transformation process that all stakeholders recognize as arduous. PWSA provides no indication that it is either combative to stakeholder concerns or opposed to discussion with stakeholders regarding the terms and conditions under which it may achieve its mandated transformation. The Commission encourages PWSA and its stakeholders to cooperate to examine issues of specific concern on their own initiative. The Commission understands that PWSA is working to transform itself into a world-class utility capable of supporting the technological renaissance of the Pittsburgh region. The Commission believes that the development of reasonable solutions to any legacy impediments to that goal rests, in the first instance, with PWSA and those stakeholders it serves.

As to the conclusions of the TIO, the Commission adopts those conclusions as consistent with this Order or as modified herein. While the Commission will address several areas of requested clarification in this Order, the Commission notes that most comments generally support the Commission’s proposed approach. Importantly, PWSA is in general agreement as to its compliance obligations under the Public Utility Code and Commission regulations. PWSA *passim*. The Commission also notes that the Blue Ribbon Panel of the City of the Pittsburgh has indicated that it fully supports the measures as outlined in the TIO. BRP at 1. This Order will further develop the approach of the TIO and respond to comments as appropriate.

**Overall Scope of Chapter 32**

Chapter 32 carefully defines which authorities will transition to Commission oversight:

"Authority." A body politic or corporate established by a city of the second class, except a joint authority established by a city of the second class and a county of the second class, under 53 Pa. C.S. Ch. 56 (relating to municipal authorities), under the former act of June 28, 1935 (P.L.463, No.191), known as the Municipality Authorities Act of one thousand nine hundred and thirty-five, or under the former act of May 2, 1945 (P.L.382, No.164), known as the Municipality Authorities Act of 1945, which owns or operates equipment or facilities for any of the following purposes:

(1) Diverting, developing, pumping, impounding, distributing or furnishing water to customers for compensation.

(2) Wastewater collection, conveyance, treatment or disposal to customers for compensation.

(3) Storm water collection, conveyance, treatment and disposal.

66 Pa. C.S. § 3201. In the TIO, the Commission concluded that the only authority to which Chapter 32 applies is the Pittsburgh Water and Sewer Authority; commenters agree. UNITED at 2; OCA at 1; BIE at 1; PWSA at 1; OSBA at 1; PAWC at 1.

In addition, the TIO concludes that Section 3201 encompasses the complete list of services offered by PWSA -- water, wastewater, and stormwater. Commenters agree with the Commission that PWSA water and wastewater services are jurisdictional utility services as defined by the Public Utility Code, and that each service must be subject to an individual tariff. PAWC at 2-3; OCA at 2; OSBA at 2; BIE at 17; PWSA at 7. Therefore, on July 2, 2018, PWSA will file two separate tariffs, one supporting its water service, and another supporting its wastewater service. TIO at 5.

As to the stand-alone stormwater service offered by PWSA, commenters opine that Act 65 effectively repealed the exclusion of stormwater collected in a separate storm sewer system from Commission jurisdiction per 66 Pa. C.S. § 102. PWSA at 7-10; OSBA at 2; BRP at 13; BIE at 13-23; OCA at 2; PAWC at 3. Also, the Consumer Letters requested that the Commission initiate a separate stormwater tariff. Based on the analysis of the TIO and the comments, the Commission concludes that it has jurisdiction over the stand-alone stormwater service provided by PWSA, and that it will require PWSA to file a stormwater tariff and a related compliance plan. However, subject to the discussion of a PWSA stormwater service below, the Commission will not require PWSA to file a stormwater tariff on July 2, 2018, or a stormwater compliance plan on September 28, 2018.

While Chapter 32 provides that the Public Utility Code applies to PWSA in the same manner as a public utility, Chapter 32 provides for certain exemptions. Among these is the exemption from Chapter 11 of the Public Utility Code. However, that exemption is conditional; it applies only as to areas served by PWSA as of April 1, 2018. PAWC comments that should PWSA seek to expand its service area on or after that date, PWSA must adhere to Chapter 11 and all regulations and requirements imposed on other jurisdictional utilities. PAWC at 4. The Commission agrees with PAWC on this point. TIO at 7.

**Effective Dates of Act 65 of 2017**

Section 3202 provides a date certain on which PWSA will become subject to Commission jurisdiction: Sunday, April 1, 2018.

1. Application. -- The following apply:
2. Beginning on April 1, 2018, unless otherwise provided in this chapter, the provisions of this title, except Chapters 11 (relating to certificates of public convenience) and 21 (relating to relations with affiliated interests), shall apply to an authority in the same manner as a public utility.
3. Notwithstanding paragraph (1), section 1103 shall apply to an authority that seeks to acquire, construct or begin to operate any equipment, plant or other facility for the rendering of service beyond the areas served as of the effective date of this section.

(b) Exception. -- Upon request of an authority, the commission may suspend or waive the applicability of any provision of this title to the authority, except for this section.

66 Pa. C.S. § 3202. The TIO concluded that the April 1, 2018 date of this Section is also the threshold date for other Sections of Chapter 32. TIO at 6, 13-14. Specifically, Section 3204 provides:

1. Filing. -- An authority shall file a tariff and supporting data with the commission within 90 days of the effective date of this section. The commission shall conduct a rate proceeding in accordance with the commission's procedures for tariff filings. To the extent practical, public hearings on the tariff filing shall be held within the boundaries of an authority.

66 Pa. C.S. § 3204(a). That is, PWSA is directed by 66 Pa. C.S. § 3204(a) to file tariffs within 90 days of April 1, 2018. Similarly, 66 Pa. C.S. § 3204(b) and (c) require PWSA to file its compliance plans within 180 days of that date.

1. Compliance plan. -- Within 180 days of the effective date of this section, an authority shall file a compliance plan with the commission which shall include provisions to bring an authority's existing information technology, accounting, billing, collection and other operating systems and procedures into compliance with the requirements applicable to jurisdictional water and wastewater utilities under this title and applicable rules, regulations and orders of the commission. The compliance plan shall also include a long-term infrastructure improvement plan in accordance with Subchapter B of Chapter 13 (relating to distribution systems).
2. Commission review. -- The commission shall review the compliance plan filed by an authority under subsection (b) and may order the authority to file a new or revised compliance plan if the compliance plan fails to adequately ensure and maintain the provision of adequate, efficient, safe, reliable and reasonable service.

66 Pa. C.S. § 3204(b) and (c). Therefore, the TIO concluded that PWSA shall file its water and wastewater tariff filings no later than Monday, July 2, 2018. TIO at 6, 13-14. Similarly, the TIO concluded that PWSA shall file its water and wastewater compliance plans no later than Friday, September 28, 2018. *Id*. at 18. Because the Commission solicited comment on whether to treat stormwater as a stand-alone utility it did not establish a tariff or compliance plan filing date for that service. The Commission will discuss issues related to stormwater below.

PWSA accepts the filing dates as established in the TIO. PWSA at 1. The OSBA and OCA do not oppose the deadlines as established in the TIO. OSBA at 4; OCA at 5. While UNITED did not wholeheartedly agree with the legal analysis used to develop the July and September 2018 filing dates, it noted the practical significance of adopting those dates. UNITED at 25-26. However, UNITED suggested that PWSA file a petition for waiver or extension of the deadlines to remove any legal uncertainty regarding the July 2 and September 28, 2018 filings dates established in the TIO. UNITED at 26-27. Therefore, to the extent that a waiver or extension is required to satisfy any legal requirement, or to ward off potential legal challenges, the Commission *sua sponte* provides such a waiver or extension for the reasons discussed in the TIO.

BIE supports the TIO in that April 1, 2018, is the effective date of Chapter 32. BIE at 4-5. However, BIE believes that the three-month gap between the filing of tariffs and compliance plans is problematic because there is likely to be overlap among issues addressed in the two filings. BIE at 6-7. BIE suggests that PWSA extend the suspension period of its tariff filing to remedy any uncertainty or misalignment regarding cost recovery. That is, the ideal circumstance would be one in which PWSA tariff filings and compliance plans are mirror images as to costs and cost recovery. BIE at 8. While the Commission agrees that this concept represents a theoretical ideal, even BIE concedes that this idea may need additional development to have practical application. *Id*. Most significantly, BIE does not explain how its proposal would comport with the 90 and 180-day filing requirements of 66 Pa. C.S. § 3204 without additional proceedings.

While the Commission acknowledges that parties may petition the Commission in support of various waivers or extensions, at this time, the Commission will retain the deadlines as established in the TIO. Therefore, PWSA shall file its water and wastewater tariff filings no later than Monday, July 2, 2018, and shall file its water and wastewater compliance plans no later than Friday, September 28, 2018. The requirements for the filing of a stand-alone stormwater tariff are discussed below.

**PWSA Prior Tariff**

In the TIO, the Commission concluded that PWSA unquestionably will be subject to the requirements of the Public Utility Code as of April 1, 2018. Nevertheless, Section 3203 of the Public Utility Code provides that PWSA will continue to provide service to its customers under its existing rates and terms of service in the form of a Prior Tariff until modified by the Commission through the tariff review process outlined in Section 3204. Section 3203 provides:

1. Service. -- An authority shall continue to provide service to the authority's customers in accordance with a prior tariff until the effective date of a commission's order approving a new tariff. If the effective date of a commission's order approving a new tariff has been stayed by a court of competent jurisdiction, the prior tariff shall remain in effect until the stay has been dissolved.
2. Disputes or conflicts. -- In accordance with section 3208 (relating to power of authority), the commission shall resolve all disputes or conflicts arising under a prior tariff.
3. Definition. -- As used in this section, the term "prior tariff" shall mean the tariff, rate schedule and riders incorporated into the tariff, including the terms and conditions or other documents setting forth the rates and terms and conditions of service provided by an authority on the date the commission assumes jurisdiction over the authority.

66 Pa. C.S. § 3203. The current PWSA rates and terms that would make up the Prior Tariff are available at the PWSA website.[[1]](#footnote-2)

**Official Prior Tariff**

Regardless of how the Commission approaches the application of the Prior Tariff transition after April 1, 2018, PWSA must provide the Commission with hard copy tariff documents that will serve as the *official* PWSA Prior Tariff. The Commission requires all water and wastewater utilities to provide it with an official tariff to remain on file with the Secretary’s Bureau. Therefore, pursuant to 66 Pa. C.S. § 1302, no later than Friday, March 30, 2018, PWSA shall file with the Secretary’s Bureau its Prior Tariff, as defined in 66 Pa. C.S. § 3203(c), which shall be the official Prior Tariff of PWSA effective April 1, 2018. PWSA shall also make its Prior Tariff available for public inspection at its places of business. After the filings of its Prior Tariff with the Commission, pursuant to 66 Pa. C.S. §§ 1303, 1308, 3202, and 3204, PWSA may not alter its Prior Tariff without public notice and Commission approval as may be required. The Commission puts PWSA and stakeholders on notice that the Commission will not enforce any rules, rates, or terms of service that differ from the official Prior Tariff on file with the Secretary’s Bureau.

**Prior Tariff Application**

Commenters familiar with the public utility code recognize the regulatory challenges Act 65 imposes on PWSA, its stakeholders, and the Commission. Utility tariffs are created and approved with conformity to the Public Utility Code and Commission regulations in mind. Likewise, it is a maxim of public utility law that the Commission cannot approve or enforce tariff provisions that violate the Public Utility Code itself. Here, however, Act 65 approved a Prior Tariff and mandated that the Commission interpret and enforce it although it was created without regard for Commission jurisdiction. Because of this, commenters have expressed concern over the uncertain resolution of potential conflicts between the Prior Tariff and the Public Utility Code or Commission Regulations.

In the TIO, the Commission proposed to achieve what Act 65 requires by refraining from strict enforcement of the Prior Tariff if conflicts with the Public Utility Code and Commission regulations were to occur. Instead, in the event of a dispute, the TIO proposed to interpret and apply the Prior Tariff using a reasonableness analysis to resolve disputes. TIO at 8. That is, the Commission will not apply the Prior Tariff without examination of the circumstances of the dispute and inquiry into whether PWSA is interpreting its Prior Tariff in a rational and reasonable manner. If PWSA proposes an approach that is “rationally based and reasonable,” the Prior Tariff will control and will be enforced with the force and effect of law. *PPL Elec. Utils. Corp. v. Pa. PUC*, 912 A.2d 386, 407 (Pa. Cmwlth. 2006). The standard as to reasonable rates and adequate services is a foundational principle of utility regulation in the Commonwealth; Act 65 does not require the Commission to set it aside. 66 Pa. C.S. §§ 1301, 1501.

Under this standard, the Commission would not enforce an approved and otherwise lawful utility tariff only in those instances where a utility interprets the tariff in an irrational or unreasonable manner, or under extreme circumstances where strict enforcement would be against public policy or the public interest. Even in such attenuated cases, due process protections apply to all affected persons. As to PWSA, this means that, while the Prior Tariff is in effect, it will operate with the force and effect of law and will be subject to the same scope and standard of review as any other PUC-approved tariff.

That said, the Commission may nevertheless direct PWSA, after notice and opportunity to be heard, to take corrective action as to *future* compliance in cases of serious misalignment between the Prior Tariff and the Public Utility Code or Commission regulations. However, the Commission does not foresee subjecting PWSA to fines or penalties for operating under the terms and conditions of its Prior Tariff. This is particularly the case should the Commission encounter issues whose facts arise before April 1, 2018. The Commission agrees with the general observation that it would be inappropriate to retroactively apply the Public Utility Code, Commission Regulations, or precedent to incidents arising before Commission oversight begins on April 1, 2018. *See* e.g., OSBA at 3-4. This approach acknowledges the inherent tension in the regulatory transition period mandated by Chapter 32 and provides flexibility for affected persons.

In addition, the Commission must give effect to all provisions of Chapter 32 whether or not those provisions create iron-clad regulatory certainty. 1 Pa. C.S. §§ 1921, 1932. For example, PWSA expects the Commission to fairly apply 66 Pa. C.S. § 3203(a) whereby it may continue to provide service under its Prior Tariff until approval of a tariff to replace it. PWSA at 2. Likewise, other stakeholders expect the Commission to simultaneously honor Section 3202(1) whereby PWSA is subject to Title 66 “in the same manner as a public utility,” or Section 3203(b) whereby “the commission shall resolve all disputes or conflicts arising under a prior tariff.” UNITED at 5; OCA at 3.

While Chapter 32 may occasion uncertainty about Commission complaint determinations during its Prior Tariff transition period, the mandate of the statute is not at all ambiguous. The Commission has proposed to employ a flexible approach to enforce the Prior Tariff because Act 65 directs that, for a brief period, the Commission must accommodate a tariff whose terms were not developed with the Public Utility Code or Commission regulations in mind.

The Commission acknowledges that PWSA rules and regulations developed under the MAA may have inconsistencies with the Public Utility Code and Commission regulations. As the Commission explained above, it will formally resolve any issue that PWSA or other affected person identifies as an actual and incontrovertible conflict or controversy between the Prior Tariff and the Public Utility Code or Commission regulations that PWSA is not willing to accommodate with a reasonable solution. To the extent that PWSA (or any stakeholder) believes that regulatory certainty as to an incontrovertible case or conflict is an absolute necessity, it should petition for relief as it believes appropriate.

Otherwise, the Act 65 mandate stands: the July 2018 and September 2018 filings are the appropriate forums for stakeholders to develop new PWSA operating standards consistent with accepted regulated utility practices and law. Stakeholders should clearly understand that Act 65 does not provide sufficient time for the *a priori* resolution of all theoretical conflicts between how PWSA operated in the past and how it will operate in the future.

**Prior Tariff Rates**

The Commission has directed PWSA to file its Prior Tariff, as defined in 66 Pa. C.S. § 3203(a), with the Secretary’s Bureau no later than March 30, 2018. While not yet its Prior Tariff, the Commission notes that Chapter 3 of the PWSA rules and regulations, *Rates and Charges, Abatement, Billing and Collection*, available on the PWSA website, contain rate schedules for the years 2018, 2019, and 2020, all commencing January 1 of each year. As the Commission explained in the TIO, Section 3203 provides that, as of April 1, 2018, the PWSA Prior Tariff will have the force and effect of law and will continue to do so until the effective date of a Commission order approving a new tariff. In its comments, PWSA requests that this “Order recognize that PWSA will implement the existing previously approved water and sewer rates effective January 1, 2019.” PWSA at 5. PWSA offers that it anticipates that its July 2018 tariff filing will support its proposed 2019 rates. *Id*. at fn. 6. PWSA acknowledges that its rate schedule for 2020 will be superseded by a Commission-approved tariff likely taking effect in early 2019. *Id*. at 6. The OCA and BIE arrive at the same conclusion regarding the proposed 2020 rate increase. OCA at 6; BIE at 12-13.

The OCA opines that if PWSA were permitted to implement the January 2019 rate increase it would create an untenable situation whereby rates could go into effect on January 1, 2019, only to be changed by Commission Order shortly thereafter. OCA at 6. The OCA also opines that if the July 2018 tariff were to support the January 2019 rates this would work to alleviate some of its concerns, but the 2019 rate increase must nevertheless be taken into consideration in the July 2018 rate proceeding. *Id*. BIE makes a similar observation regarding the timing of the July 2018 rate proceeding and the proposed January 2019 rate increase. BIE at 12.

At this point, the exact date of the Commission’s approval of the July 2018 tariff filings is unknown. Therefore, it cannot speculate as to matters of timing. Likewise, the rates and class cost allocations that will result from that tariff filing are unknown. While this Order will not go as far as PWSA requests, that is, to endorse that the January 2019 Prior Tariff rate increase will take effect, the Commission acknowledges that Chapter 32 provides PWSA with the authority to implement that increase absent Commission approval of a new tariff before January 1, 2019. In addition, we encourage PWSA and the stakeholders to explore alternatives that avoid rate increases at both January 1, 2019 and again when the rates that result from the July 2018 tariff filing could go into effect in early 2019.

**Prior Tariff Disputes and Enforcement**

**PWSA**

As to 66 Pa. C.S. § 3203(b), for its part, PWSA offers to *voluntarily* process consumer disputes in accordance with 52 Pa. Code §§ 1,3, and 5; to abide by the regulations at 52 Pa. Code §§ 56.140-56.181, and to follow the service termination procedures for residential customers set forth at 52 Pa. Code §§ 56.81-56.131. PWSA at 13-14. PWSA notes that its Board of Directors must approve any changes to its terms and conditions of service. PWSA at 14. That is, PWSA asserts that it will comply with these aspects of the Public Utility Code and Commission regulations while operating under its Prior Tariff. PWSA also opines that, while it seeks compliance, adopting the flexible approach of the TIO will inject an unnecessary level of uncertainty into the transition process and that the assessment of civil penalties or fines against PWSA for failure to comply with uncertain standards is unreasonable and confusing. PWSA at 15-19.

PWSA also asserts that it is engaged in an ongoing comparison of Commission regulations against its Prior Tariff and that this comparison is not yet complete. PWSA at 18. PWSA requests that the Commission apply its Prior Tariff (1) to consumer and other complaints, (2) in any Commission-initiated investigation during the transition period, and (3) during the transition period up to and including approval of its compliance plans. PWSA at 15, 18-20.

**UNITED**

On the other hand, UNITED asserts that PWSA must comply with all provisions of 66 Pa. C.S. Chapter 14 and 52 Pa. Code Chapter 56 beginning on April 1, 2018, regardless of the Prior Tariff. UNITED at 6. UNITED asserts that this is necessary because it looks to the Commission to shield Pittsburgh’s low and moderate-income communities from harm during the PWSA transition to Commission regulation. *Id*. at 2. UNITED looks to 52 Pa. Code § 56.223 for support whereby a “tariff provision inconsistent with this chapter is deemed inoperative and superseded by this chapter.” *Id*. at 5. UNITED urges the Commission to adopt a regulatory paradigm whereby the Prior Tariff will control only where consistent with the Public Utility Code and Commission regulations, or where law and regulation are otherwise silent. *Id*. at 8. The overall theme of the UNITED recommendation is that any dispute filed with the Commission, regardless of the timing of events, should be resolved by first applying the Public Utility Code, next by applying Commission regulation, and lastly by applying the Prior Tariff. UNITED at 13. UNITED nevertheless tacitly acknowledges the administrative complexity of *flash* regulation as proposed by Chapter 32. *Id*. at 8.

UNITED provides examples of where it would require full compliance. It would require compliance with the applicant notice provisions of 52 Pa. Code § 56.36 and termination provisions of 56.91. UNITED at 9-10. UNITED points out that those PWSA customers receiving termination notices now, but subject to termination after April 1, 2018, may not receive notice of their right to file informal or formal complaints with the Commission. *Id*. at 11. UNITED requests that PWSA base payment arrangements on factors compliant with Commission jurisdiction. *Id*. at 16. UNITED requests that all disputes pending before PWSA as of April 1, 2018 be transferred to the Bureau of Consumer services prior to any PWSA attempt to resolve the issue in the first instance. *Id*. at 12. UNITED seeks greater compliance regarding security deposits. *Id*. at 19. UNITED also recommends that the Commission waive all fines and penalties against PWSA for unintentional violations of Chapters 14 and 56 until new tariffs are approved. *Id*. at 13.

**BIE**

While the majority of the BIE comments focus on ratemaking principles, BIE does recommend that the Commission resolve issues surrounding PWSA compliance with Chapter 56 of the Commission’s regulations (and ostensibly with Chapter 14 of the Public Utility Code) as a part of the PWSA compliance plans, not its tariff filings. BIE at 38-40. BIE opines that this would be the most efficient approach because it would allow PWSA to present more informed and thorough compliance plans.

**OCA**

Like UNITED, the OCA acknowledges the requirement of giving effect to the Prior Tariff. Yet, the OCA opines that the Commission should apply the Public Utility Code and Commission regulations to resolve informal and formal complaints. OCA at 3-4. The OCA also recommends that, as of April 1, 2018, complaints pending before the Exoneration Hearing Board (EHB) should be resolved in similar fashion. *Id*. at 4. Like UNITED, the OCA expresses concern about customer notice and urges cooperation among stakeholders and the Commission to develop customer notification materials sufficient to apprise PWSA customers of the availably of the informal and formal complaint process and of the OCA consumer assistance role. *Id*. at 5

**Resolution**

As an initial matter, the Commission has not determined that the current PWSA rules and regulations harm PWSA customers, that PWSA rates are unreasonable or unjust, or that PWSA provides unreasonable or inadequate service. No commenters dispute the TIO conclusion that Act 65 effectively approved the current PWSA rules and rates (per its Prior Tariff) as consistent with the Public Utility Code pending modification through the Commission’s tariff review process. 66 Pa. C.S. § 3203. As such, Act 65 defines PWSA customer rights under the Public Utility Code and Commission regulations and does not otherwise “interfere” with statutory rights under Title 66 not yet fully conferred to PWSA consumers. UNITED at 6. During the Act 65 transition period, PWSA customers will have access to an array of ratepayer protections unavailable to them under the MAA. Likewise, there is no indication that PWSA customers would come to harm because of the PWSA transition from regulation under the MAA to regulation under the Public Utility Code.

The Commission also points out that while it refrains from acting as a super board of directors, and generally defers to management discretion on many issues, that deference is not unlimited. PWSA comments that its Board of Directors must approve any changes to its terms and conditions of service. PWSA at 14. To be clear, while this may be a part of municipal governance, the Commission will not defer to PWSA Board decisions as to compliance with the Public Utility Code (including Chapter 32) or Commission regulations. Chapter 32 subjects PWSA to regulatory compliance under the Public Utility Code regardless of the actions of its Board of Directors.

As to its *voluntary* compliance with the Public Utility Code and Commission regulations, this is the expectation of all entities regulated by the Commission. PWSA at 13-14. Stakeholders should have no doubt that the Commission will act to achieve compulsory compliance if circumstances were to necessitate this approach. The Commission need not prove the point with a litany of enforcement actions where utilities failed to voluntarily comply with the Public Utility Code or with our regulations. That said, voluntary compliance is the preferred regulatory mode and it appears that PWSA understands and acknowledges this aspect of regulation by the Commission. The Commission appreciates this good-faith effort on the part of PWSA.

Specifically, the TIO provided the following instructions as to how PWSA was to approach informal and formal complaints and terminations beginning April 1, 2018:

1) Pursuant to 66 Pa. C.S. § 1410, PWSA will attempt to resolve consumer complaints in the first instance like all regulated utilities;

2) PWSA will recognize disputes in accordance with 52 Pa. Code § 56.2;

3) PWSA is expected to abide by the requirements of 52 Pa. Code §§ 56.140 – 56.181 regarding disputes, informal and formal complaints, and termination;

4) For those customers subject to termination, PWSA will follow the Commission’s termination procedures found at 52 Pa. Code §§ 56.81 – 56.131;

5) When responding to an informal complaint filed with the Commission, PWSA will comply with the provisions found at Pa. Code 52 §§ 56.161 – 166;

6) PWSA will no longer use its Exoneration Hearing Board to address appeals from customers dissatisfied with a proposed PWSA complaint resolution;

7) PWSA will provide complainants with notice that they may seek the assistance of the Bureau of Consumer Services or submit a formal complaint to the Commission;

8) The Commission will employ the procedural rules of 52 Pa. Code Chapters 1, 3, and 5 to resolve complaints against PWSA;

9) The Commission will apply the PWSA Prior Tariff to resolve informal and formal disputes submitted to it until approval of a new tariff.

TIO at 9-11. As to dispute recognition, PWSA will ask the customer if they are satisfied with the response information provided by PWSA. If the customer indicates they are not satisfied, a dispute exists, and PWSA has agreed that it will comply with the dispute handling provisions found in 52 Pa Code §§ 15.151 – 56.152. PWSA at 12.

We note that PWSA has agreed to comply with the Commission’s termination rules at 52 Pa. Code §§ 56.81-131. It has also agreed to comply with 52 Pa. Code §§ 56.140-56.181 regarding disputes, termination disputes, informal and formal complaints, and to do so according to Chapters 1, 3, and 5 of the Commission’s procedural regulations. In addition, the Commission notes that PWSA has acknowledged the need to redesign its monthly bills per 52 Pa. Code § 56.15. PWSA at 14. The Commission appreciates, accepts this premise, and will direct PWSA to comply with these regulations effective April 1, 2018. The Commission points out, however, that PWSA actions taken before April 1, 2018, such as the issuance of termination notices, are not subject to Commission review. OCA at 4, UNITED at 14. Should PWSA terminate customers after April 1, 2018, terminations must comply with regulations at 52 Pa. Code §§ 56.81-131 including but not limited to compliance with the general notice provisions and contents of termination notices, and personal contact requirements. PWSA may not terminate customers, after April 1, for whom these regulatory requirements were not followed. Additionally, 52 Pa. Code §56.91 (b)(4) prohibits a termination during the pendency of a dispute filed with the public utility or the Commission, including, in this instance, those complaints pending before the Exoneration Hearing Board.

Even with the above, UNITED raises numerous issues worth consideration and clarification. First, the Commission agrees that, after April 1, 2018, if PWSA denies a request for service from a bona fide applicant, or imposes an adverse credit determination, pursuant to 52 Pa Code § 56.36, PWSA will advise the applicant or customer of her right to file a complaint with the Commission. UNITED at 9, 18.

Next, UNITED is correct that PWSA must provide notice of the right to seek Commission assistance to all customers whose terminations occur after April 1, 2018, regardless of whether a termination notice was served to the customer prior to that date. UNITED at 10. Compliance with Chapter 14 of the Public Utility Code requires that a customer, applicant, or occupant first contact PWSA and attempt to resolve the termination dispute. Thereafter, if a payment arrangement is not established, PWSA will explain to the customer his or her right to file a dispute with PWSA and, thereafter, an informal complaint with the Commission as necessary.

The request that, after April 1, 2018, PWSA customers not suffer adverse payment arrangement determinations because of considerations not accepted under current Commission practice is, on its surface, persuasive. *Id*. at 15. PWSA will have the opportunity to respond to informal payment arrangement complaints to provide information explaining what criteria PWSA previously applied. Compliance with 52 Pa Code § 56.163 will allow BCS to determine whether the prior payment arrangement would be considered a payment arrangement under Commission requirements.

PWSA has also agreed to comply with 52 Pa Code § 56.97 for customer payment arrangement requests made after April 1, 2018. There, PWSA will consider the following factors when attempting to enter into a reasonable payment arrangement with a customer – the size of the unpaid balance, the ability of the customer to pay, the payment history of the customer and the length of time over which the bill accumulated. Again, the Commission appreciates, accepts and directs PWSA compliance with these regulations regarding customer payment arrangement requests made after April 1, 2018.

UNITED arguments regarding security deposits are similarly compelling. *Id*. at 19. The Commission would advise PWSA to adopt this approach if, during the Prior Tariff enforcement period, PWSA determines to request security deposits from applicants or customers.

The Commission appreciates the UNITED effort to address the needs of vulnerable populations. Specifically, the Commission believes that PWSA should consider UNITED’s concerns regarding medically vulnerable customers, protections for victims of domestic violence, and for the translation of termination notices into languages appropriate for the PWSA service territory. UNITED at 20-25. Given the PWSA comments it appears that it has largely agreed to do so by complying with 52 Pa. Code §§ 56.81 – 56.131 regarding Termination of Service.

Also, PWSA has agreed to address UNITED’s comments regarding the language it will use to telephonically inform customers that if a customer is unhappy with a PWSA response to their complaint the customer has the right to seek assistance from the Commission. UNITED at 15. PWSA has agreed to affirmatively verify that the customer is satisfied with the Authority’s response to any Chapter 56 related dispute and to comply with 52 Pa Code §§ 56.151 – 56.152. PWSA should be prepared to address these issues as a part of its July 2018 tariff filings.

Regarding the Exoneration Hearing Board, while the Commission understands the UNITED observation as to the appearance of inconsistency, the Commission points out that Chapter 14 requires customers to first attempt to resolve disputes with their service provider before resorting to a complaint before the Commission. Likewise, PWSA is obligated to timely respond to complaints, but after April 1, 2018, if an appeal is taken, it will not be taken to the EHB, but rather, to the Bureau of Consumer Service as an informal complaint or inquiry or to the Commission as a formal complaint. As to appeals pending with the EHB as of April 1, 2018, the Commission will provide PWSA with 30 days to resolve these appeals, and PWSA shall inform customers of the right to seek assistance from the Commission in these decisions as it would in any other complaint determination. These procedures will allow the EHB response to comply with 52 Pa Code §§ 56.151 – 56.152. After April 1, 2018, PWSA will no longer refer customers to the EHB for purposes of appealing an adverse decision on a complaint. Appeals pending before the EHB, after the expiration of the 30-day period, shall be immediately transitioned by the EHB to the Commission’s Bureau of Consumer Services, so that BCS may work with customers to outline the procedural options available to them if they choose to proceed with their appeal.

The Commission understands that both UNITED and the OCA wish to minimize the transition period where PWSA will be subject to Commission jurisdiction but will continue to operate under its Prior Tariff. The Commission also appreciates that the OCA and UNITED express willingness to work directly with PWSA in this process, and the Commission encourages stakeholders to engage directly to resolve issues of concern. See e.g., OCA at 5, UNITED at 3.

Nevertheless, Act 65 places PWSA under Commission jurisdiction while simultaneously authorizing PWSA to operate under its Prior Tariff until a new tariff is approved. Stakeholders should not ignore this aspect of Chapter 32 regardless of the challenges that it presents. In addition, stakeholders should not be confused about which consumer rights and protections apply during the transition period. Unless modified through the TIO or this Order, Section 3203 directs that PWSA is to operate under its Prior Tariff during this time and stakeholders should look to the Prior Tariff, the TIO, and this Order for the terms and conditions under which PWSA will render service during the PWSA transition to Commission regulation.

The Commission agrees that it will apply the PWSA Prior Tariff to consumer and other complaints and in any Commission-initiated investigation during the transition period, subject to the reasonableness standard discussed above. Also, as stated herein, the Commission accepts the PWSA offer of voluntary compliance and hereby directs compliance with the Commission’s regulations regarding terminations, disputes, termination disputes, and informal and formal complaints along with Commission procedures to address these matters. However, the extent to which the Prior Tariff will apply regarding other areas of regulatory compliance up to and including the approval of the PWSA *compliance plans* depends entirely on whether the compliance plans are approved before the Commission approves the July 2018 tariff filing. While this outcome is unlikely, it is the only circumstance in which Chapter 32 could accommodate the PWSA request to enforce its Prior Tariff beyond the period established in Act 65.

**BCS Access to PWSA Complaint Information**

The TIO directed PWSA to provide BCS with direct access to its customer service management information system until PWSA could provide access to that system in a manner like other similarly situated jurisdictional utilities. TIO at 10. PWSA indicates that it is working to develop the access required in the TIO in a secure and efficient manner. PWSA at 14-15. PWSA requests that the Commission clarify that PWSA will not be subject to a civil penalty or fine should it fail to achieve full compliance as of April 1, 2018. *Id*. at fn. 24.

The Commission acknowledges the challenge that Act 65 has placed before PWSA, stakeholders, and the Commission, particularly regarding timing. Neither the TIO nor this Order seeks to establish date-specific thresholds for future punitive action. Rather, these Orders work to outline the process by which PWSA will submit its July 2018 tariff filings and its September 2018 compliance plan filings and interface with its customers during the Prior Tariff transition period. To the extent that specific compliance dates are established in the tariff or compliance plan proceedings, those dates would be enforceable.

The compliance process envisioned by Act 65, while ambitious, is nevertheless pragmatic. A demonstration of good faith effort on the part of PWSA is a bellwether against which the Commission will measure PWSA compliance with the transition process envisioned by Act 65. Likewise, the Commission will measure stakeholder demands on PWSA against that same measure; that is, is the requested action reasonable, practical, and possible under the circumstances. Corrective action, penalties, or fines are tools provided by the General Assembly through which the Commission is expected to achieve compliance with the Public Utility Code. The Commission cannot provide PWSA (or any regulated company for that matter) with a guarantee that it will not be subject to these measures in the future should it fail to pursue its current course of voluntary compliance with the requirements of Chapter 32.

The Commission nevertheless acknowledges the effort that PWSA has put forth to amend its procedures to comply with Chapter 32. PWSA is not at fault over whether its Prior Tariff aligns with the Public Utility Code or Commission regulations. The Commission has no reason to penalize PWSA as it makes progress to transition from regulation under the MAA to the Public Utility Code. To provide some measure of clarity, PWSA should look to specific compliance measures and deadlines as established in final Commission orders for indications of where “a failure to be fully compliant” could result in a civil penalty or fine. PWSA at 15, fn. 24.

**Contents of Tariff Filings**

The TIO provided guidance on the contents of the July 2018 tariff filings by outlining basic elements that the July 2018 PWSA tariffs should include. TIO at 16-18. The TIO noted that this outline was not exhaustive. PWSA opines that it generally supports the Commission’s view on most issues related to the tariff filing. PWSA at 3. UNITED recommends that PWSA include provisions for full compliance with Chapter 14 of the Public Utility Code and Chapter 56 of the regulations and provisions to implement the PWSA customer assistance program. UNITED at 27-29. The OCA observes that the TIO outline may not reflect all issues that it expects to raise in the July 2018 rate proceeding and that PWSA should provide information relating to these issues in its July 2018 filings. OCA at 7. Like the OCA, BIE raises specific issues it would have the Commission address in the rate proceedings. These issues include class cost of service allocations, payments to the City of Pittsburgh, the PWSA subsidy of PAWC customers within city limits, the subsidized service to the City of Pittsburgh, and unaccounted for water. BIE at 10. The BRP presents seven issues with significant overlap to those raised by BIE and the OCA. BRP at 13-14. Similarly, the Consumer Letters raise issues of subsidy, customer assistance plans, compliance with Chapters 14 and 56, and equitable rate structures.

The TIO provided a general outline of the contents of the July 2018 tariff filings, not a definitive or exhaustive list. All the issues raised in the comments are valid for consideration in a base rate proceeding, and as the OCA notes, some will be addressed in the September 2018 compliance plans as well. OCA at 9. The Commission will not dictate which issues parties to these proceedings may raise or litigate. Indeed, like all such proceedings, the full gamut of PWSA operations will be subject to review.

The express intention of 66 Pa. C.S. § 3204(a) is that the Commission conduct a rate proceeding in accordance with the Commission’s procedures for a tariff filing. Here, stakeholders have conveniently provided PWSA with a partial preview of issues it is expected to address in the materials it submits to the Commission in its July 2018 filings. What PWSA makes of this remains the prerogative of PWSA. Likewise, the Commission will consider all issues raised by parties to those proceedings and will subject those issues to the same standards and scrutiny as in any other ratemaking proceeding.

**Use of Model Tariffs**

The TIO directs PWSA to file its initial tariffs using the model tariff forms available on the Commission’s website.[[2]](#footnote-3) TIO at 15. The OCA opines that it is unclear whether the model tariffs reflect all current provisions of Chapter 14 of the Public Utility Code and Chapter 56 of the regulations. The OCA suggests that PWSA review the filed tariffs of other large water and wastewater utilities to ensure that the July 2018 tariff filing is fully compliant. OCA at 5-6. UNITED likewise expresses concern over the same apparent omissions of the model tariffs.

The Commission would clarify that the TIO intended to provide guidance as to form and not the entire substance of the July 2018 tariff filing. To that end, the OCA and UNITED observations are correct in that the model tariffs are a beginning and not an end. PWSA should not expect the model tariff forms to represent a pre-approved end-state tariff. To clarify, while PWSA should use the model tariff forms as discussed in the TIO, PWSA must adapt the model tariff forms to accommodate the circumstances of its operations and customers.

**Ratemaking Methodology**

The TIO observed that a cash flow ratemaking method like that used for Philadelphia Gas Works (PGW), along with procedures and considerations as detailed in 52 Pa. Code § 69.2703, would be best suited for PWSA practices and circumstances. TIO at 16. PWSA fully supported the view that the cash flow methodology most appropriately described its financial situation. PWSA at 3. PWSA opined that the most appropriate ratemaking method for setting just and reasonable rates would be the cash flow method. *Id*. at 4. The OCA also concluded that the cash flow methodology would be appropriate for PWSA to employ in its July 2018 rate filings. OCA at 7.

BIE proposed an alternative procedure whereby PWSA would employ the cash flow method for its initial tariff filings but would then transition to a rate base/rate of return methodology for any rate proceeding filed after 2025. BIE at 26. As to the immediate filings, BIE acknowledges the practical issues and problems of attempting to impose a rate of return methodology on PWSA. *Id*. at 27. It also discusses similarities between PWSA and the PGW, and lists factors used to set PGW rates that may be applied to PWSA. *Id*. at 28.

As to the switch to rate base/rate of return by 2025, BIE opines that the change in ratemaking methods is appropriate because by the end of 2025, BIE anticipates that PWSA will have a rate base. BIE points out that 2025 is the year when the 30-year lease PWSA signed with the City of Pittsburgh is expected to terminate, and PWSA will acquire the assets of the authority from the City, and that these will form its rate base. BIE at 29-30. BIE opines that PWSA can undertake a study to value its assets at that time, and that using that value to set rates will result in more fair and reasonable rate determinations. *Id*. BIE also opines that the change in ratemaking methodology is permissible because the Commission has no statutory mandate to employ a cash flow method for PWSA as is the case with PGW. *Id*. BIE provides several examples of municipal utility providers, namely the Cities of Bethlehem and DuBois, that use the rate base/rate of return methodology and that can serve as a guide for PWSA. *Id*. at 32.

As to the July 2018 filings, PWSA, commenting stakeholders, and the Commission agree that PWSA should employ a cash flow ratemaking method similar to that of PGW as detailed in 52 Pa. Code § 69.2703. Therefore, PWSA is to use the cash flow method to develop, submit, and support its July 2018 filings. At this time, the Commission will not decide on the ratemaking method that PWSA should employ in subsequent filings, particularly those nearly seven years in the future. However, BIE or any other party is free to raise the issue of the appropriate ratemaking methodology to be used at such time as PWSA acquires assets from the City of Pittsburgh.

**Municipal Segregated Storm Sewer System Assets**

The TIO requested comment on whether and how PWSA should segregate its municipal segregated storm sewer system (MS4 system) property from its other regulated assets for ratemaking purposes. TIO at 18. PWSA proposed to show the costs associated with its MS4 system as a part of the cost of service study it intends to file in support of its July 2018 wastewater rate filing. PWSA at 9. PWSA provides that, while it would not seek to recover these costs separately from its wastewater rates at that time, it will provide a functional level cost allocation to apportion costs between the MS4 and sanitary systems. *Id*. at 10. In addition, PWSA intends to demonstrate in the July 2018 wastewater filing a projection of the revenue requirement attributable to its MS4 system. *Id*.

BIE opines that the segregation of the MS4 system from the PWSA wastewater system is appropriate under longstanding ratemaking principles addressing cost causation. BIE at 17-21. In addition, BIE opines that PWSA must segregate its MS4 system from its wastewater system because it is a separate utility service not subject to joint cost recovery under 66 Pa. C.S. § 1311 like a water and wastewater system operated by one utility. BIE at 20-22. The OCA and OSBA also generally support the segregation of the MS4 assets from the water and wastewater assets for purposes of rate setting and cost recovery. OCA at 2-3; OSBA at 4.

As to its MS4 system, the Commission finds the PWSA proposal sufficient for the imminent rate proceedings. For example, PWSA shall perform the MS4 capital expense and operations and maintenance expense identification and allocation described at pages 9 and 10 of its comments. PWSA at 9-10. As it describes, PWSA shall also provide preliminary estimates of its costs to implement a stand-alone tariffed MS4 system. PWSA at 10. PWSA shall also project its stormwater revenue requirements and demonstrate what portion of the current wastewater cost is attributable to stormwater service. *Id*. The Commission will discuss the establishment of an MS4 tariff in more detail below.

**Stormwater as a Regulated Service**

The TIO requested comment on whether Chapter 32 authorized the Commission to regulate PWSA stormwater service as a tariff-based utility service. TIO at 5-6. PWSA supported the concept of segregating its MS4 costs from its wastewater costs and recovering those costs through a separate stormwater tariff rate as explained below. PWSA at 8. PWSA suggested that this would represent a more equitable approach to stormwater management because recovering those costs via a volumetric rate based off water usage did not align costs with cost causation. *Id*.

In fact, PWSA commented that it had already begun the process of analyzing property records and aerial images to develop equitable cost allocations among its stormwater customers. The PWSA comments describe the steps it has taken and outline the steps necessary for it to implement a tariff-based stormwater rate along with accompanying ordinances. *Id*. at 9. As is discussed above, PWSA will begin to identify the costs of its MS4 service in its July 2018 wastewater filing. In addition, PWSA proposed to set forth a proposal to develop and implement a stormwater tariff, including all necessary steps as a part of its September 2018 compliance plan. That plan will include a timeline for completion. *Id*. at 10.

BIE devoted approximately 12 of its 43 pages of comments to the support of its recommendation that the Commission require PWSA to adopt a stormwater tariff separate from its water and wastewater tariff. BIE at 15-26. BIE opined that a separate stormwater tariff was appropriate because stormwater service is fundamentally different from wastewater service such that a joint and common sanitary sewer/MS4 revenue requirement would not respect accepted ratemaking principles. BIE at 16-19. BIE further opined that PWSA should segregate property related to the provision of stormwater service from its water and wastewater assets. BIE at 22. BIE recommended that PWSA establish a municipal stormwater rate (MSWR) developed to reflect cost of service principles associated with stormwater such as impervious surface area and lot size. BIE at 23-24. By way of example, BIE noted that the City of Philadelphia has successfully implemented a stormwater charge for both residential and non-residential users of the City’s stormwater system. *Id*. at 24. However, unlike the Philadelphia retail model, BIE recommends that PWSA bill the City of Pittsburgh at a wholesale level since BIE believes the Commission incapable of analyzing the data that would be used to develop a retail MSWR. *Id*. at 25-26.

The OCA also opined that a separate stormwater tariff is required, and that PWSA would likely need additional time to implement this aspect of Chapter 32, but that it should nevertheless be accomplished as soon as practicable. OCA at 2. The OSBA similarly recommended that the Commission establish a PWSA stormwater tariff and that it require PWSA to segregate property used to provide its MS4 service from its water and wastewater service. OSBA at 2-4. PAWC opines that a PWSA stormwater tariff is both legal and appropriate and that it looks forward to participating in the development of processes, procedures, and regulations for utility stormwater services. PAWC at 2-4. The BRP also recommended that the Commission implement a PWSA stormwater tariff. BRP at 13. The Consumer Letters likewise request the establishment of a stormwater tariff whereby all users of the stormwater system contribute to its efficient operation. Consumer Letters at 1.

Based on the TIO and the Comments, the Commission will require PWSA to develop and implement a separate tariff for its stormwater service as a part of a future wastewater rate filing. We note that the OCA observation is accurate as PWSA has indicated that it will require additional time to implement this aspect of Chapter 32. To achieve this goal, the Commission will adopt the plan as proposed by PWSA regarding the July 2018 tariffs and its proposal to develop a plan to implement a stormwater tariff in the September 2018 compliance plan filings. However, the Commission will establish a deadline for the implementation of the PWSA stormwater tariff. PWSA will file a tariff and a compliance plan to implement its stormwater tariff no later than its next wastewater base rate filing subsequent to the July 2018 filing. The Commission believes this timing to be practical for PWSA, stakeholders and the Commission. The Commission will not adopt specific parameters for the PWSA stormwater tariff at this time.[[3]](#footnote-4) These are best developed organically from PWSA and affected stakeholders. The Commission notes that the OCA provided local and national examples of entities that operate parallel wastewater and stormwater services that may be cited as examples. OCA at 2. Fn. 2. The Commission will otherwise refrain from foreclosing or prejudging concepts or ideas at the nascent stage of utility stormwater regulation in the Commonwealth.

**Compliance Plans**

The TIO examined the requirements of 66 Pa. C.S. § 3204(b) whereby PWSA is required to file compliance plans no later than Friday, September 28, 2018. The TIO

provides that, in its compliance plans, PWSA will propose plans to achieve full regulatory compliance for matters not addressed in its July 2018 tariff filings. TIO at 18. The TIO affords stakeholders considerable flexibility regarding those issues addressed as a part of the July 2018 tariff filings and those addressed in the September 2018 compliance plans.

This flexibility is intentional; it is not yet known which issues parties to the July 2018 proceedings will raise and resolve in those proceedings and which will be deferred for development in the compliance plans. For example, the OCA suggests that the PWSA compliance plans must address planned and projected costs for infrastructure improvements, billing systems, lead line replacements, and the PWSA relationship with the City of Pittsburgh and the Allegheny County Sanitary Authority. OCA at 10. Some aspects of these issues fall naturally to rate-based cost recovery and others to long-term planning. While BIE recommended that PWSA consider filing both its tariffs and compliance plans on July 2, 2018, this may not be conducive to a thorough development of necessary facts and issues. BIE at 7.

While the Commission will provide stakeholders with flexibility to coordinate issues between the tariff filings and compliance plans, the Commission nevertheless expects stakeholders to address and develop issues related to public health and safety in detail in the compliance plans. Namely, while PWSA may address the issue in its water tariff filing, the Commission directs PWSA to develop and propose a comprehensive plan to address lead levels in its water supply and the replacement of lead service lines as a part of its water operations and infrastructure comprehensive plan. The Commission notes that both Pittsburgh-based consumers and the BRP raise this issue as one of primary concern, as does the OCA. Consumer Letter; BRP at 3; OCA at 10. The Commission expects that parties will harmonize the two proceedings such that PWSA and the Commission may meet the goals of Chapter 32 to the benefit of the affected public.

**Regulatory Certainty**

PWSA devotes approximately seven of its 21 pages of comments to its quest for regulatory certainty pending the approval of its compliance plan. PWSA at 13-20. Because the Commission has addressed some of these issues above, it will avoid reiteration here. PWSA asks that the Commission enforce the entirety of the Prior Tariff pending compliance plan approval, or in the alternative, provide it with a list of those parts of the Prior Tariff that the Commission will not enforce pending final approval of the compliance plans. PWSA at 15. PWSA provides that it is willing to work with staff to reach agreement on such a list. *Id*. at 15-16, 19. To the extent that PWSA believes that it requires such a list, the Commission encourages PWSA to expand its outreach to also include stakeholder input and to present the Commission with petitions for relief as appropriate. The Commission has noted in this Order that other stakeholders may not take the same view as PWSA as to what constitutes regulatory certainty. UNITED at 8-14, 25-30; OCA at 3, 5. On the other hand, BIE suggests that matters concerning Chapter 56 compliance wait until consideration of the PWSA compliance plan. BIE at 38-40. PWSA and its stakeholders may do well to develop proposals suitable for Commission consideration.

As to the compliance plans, the Commission expects that these plans will detail how PWSA will reach ultimate end-state compliance with the Public Utility Code and Commission regulations. That is, after the compliance plans achieve full force and effect through a Commission order approving the plans, the Commission will enforce those orders as it would any other. Regarding enforcement now, the Commission will reiterate that it does not seek to impose civil penalties or fines against PWSA for the rational and reasonable application of its Prior Tariff while in effect.

PWSA provides several examples that illustrate its anxiety on this point. As to the Commission’s pressure regulations at 52 Pa. Code § 65.5, the Commission understands that, as yet, PWSA does not measure or track pressures in a manner that would comply with the minimum and maximum pressure requirements of that Section, and PWSA proposes to address this in its compliance plan. PWSA at 18. Under the Prior Tariff approach outlined above, the Commission would not anticipate fining or issuing penalties against PWSA for the failure to meet the requirements of 52 Pa. Code § 65.5. That said, the Commission could direct PWSA to take corrective action consistent with notice, due process, and the public interest, should it unreasonably exceed the standards of that Section. As to service related issues, Chapter 32 provides:

1. Authorization. -- The commission may require an authority to maintain, repair and replace facilities and equipment used to provide services under this chapter to ensure that the equipment and facilities comply with section 1501 (relating to character of service and facilities).

66 Pa. C.S. § 3205(a). Therefore, Chapter 32 provides the Commission with authority to take corrective action as to the character of service and facilities regardless of whether it would seek concurrent penalties. The same is true regarding the record maintenance standard of 52 Pa. Code § 56. 432 and interest payments pursuant to 52 Pa. Code § 56.411(3). PWSA at 18.

**Meter Installation, Replacement, and Repair**

The TIO requested comment on matters involving meter installation at all service locations, meter replacement, and meter testing in both the near term and in the PWSA compliance plan. TIO at 19. PWSA commented that it is examining whether and how it may be able to implement the meter regulations at 52 Pa. Code § 65.8 and will set forth its conclusions in its compliance plan. PWSA at 17. Meter placement and accuracy is a matter of importance to commenters. The BRP made the recommendation that “[a]ll users should be metered and charged.” BRP at 13, ⁋ 3. The OCA recommended that PWSA identify unmetered customers and set forth a plan to meter all customers as a part of its compliance plans. OCA at 9.

Based on the TIO and the comments, the Commission will direct PWSA to develop and file a metering plan that identifies all unmetered accounts and sets forth plans and timeframes in which it will meter all customers. PWSA shall file its metering plans as a part of its September 2018 compliance plans.

**System of Accounts**

The TIO requested comment on whether PWSA should, as a part of its compliance plan, adopt a system of accounts in accordance with 52 Pa. Code § 65.16(a). TIO at 19. PWSA commented that it is examining this issue and intends to propose a plan to deal with it as a part of its compliance plan filing. PWSA at 20. PWSA asks that the Commission stay this requirement pending final approval of its compliance plan. *Id*. at 21.

The OCA opines that PWSA should keep its books in accordance with the NARUC Uniform System of Accounts (USoA) for water and wastewater as required for other utilities with annual operating revenue of $750,000 or more, consistent with 52 Pa. Code § 65.16(a). OCA at 8. OCA opines that this will provide uniformity with the reporting supplied by other regulated utilities and will permit an easier transition to regulation by the PUC. *Id*. The OCA recognizes that PWSA may require time to transition its books to the USoA methodology but opines that this transition will be well worth the effort. *Id*. BIE similarly recommends that PWSA keep its books in accordance with the Uniform System of Accounts for Class A Water Utilities for many of the same reasons as the OCA. BIE at 37-38. Like the OCA, BIE is concerned that PWSA may face practical challenges to making a timely conversion and recommends that PWSA propose a plan for transition with a date certain for final conversion to the USoA.

The Commission finds the BIE and OCA comments persuasive. The chart of accounts specified under USoA is fundamental to ratemaking. PWSA will develop a schedule to convert its accounts to the USoA standard, which it will present as a part of its September 2018 compliance plans. The conversion plans will include a target date upon which the conversion will be complete.

**Self-Certification Form for Security Planning and Readiness**

The TIO requested comment on how PWSA may comply with the Self-Certification Form for Security Planning and Readiness that all regulated utilities must file with the Commission. TIO at 19. The OCA commented that, absent a showing that it is unable to do so, PWSA should file the Self-Certification Form per the requirements of 52 Pa. Code §§ 101.1-101.7. The Commission agrees. PWSA shall file the form consistent with the September 28, 2018 filing date of its compliance plan.

**Billing, Collection, and Termination**

The TIO requested comment on whether PWSA’s plans for compliance with Chapter 56 regarding billing, collection and termination procedures should be addressed in the tariff filings or in the subsequent compliance plans. TIO at 19. The OCA opined that items related to Chapter 56 compliance must be included in both the tariff filing and in the compliance plan, and that the billing, collection and termination rules that PWSA includes in its proposed tariff must be compliant with Chapter 14 of the Public Utility Code and Chapter 56 of the Commission’s regulations. OCA at 9-10. The OCA provides that, subsequent to the tariff filings, PWSA should include in its compliance plans its proposal to fully comply with all these requirements. *Id*. at 10.

BIE opined that PWSA should detail its plan to comply with Chapter 56 in its compliance plans. BIE at 39. BIE believes that it would be overly burdensome and impractical to develop a comprehensive billing, collections, and termination compliance plan before July 2018 and that an additional three months to develop all these as an aspect of PWSA’s compliance plans would be beneficial. *Id*. at 40. BIE also assumes that the Commission’s Bureau of Audits will complete its baseline audit of PWSA in the very near future and that this could inform PWSA’s September 2018 compliance plan filings.

UNITED unequivocally demands that the Commission require PWSA to fully comply with Chapter 14 of the Public Utility Code and Chapter 56 of the regulations as soon after April 1, 2018, as practicable. UNITED at 27. UNITED opines that allowing PWSA to defer these issues to its September 2018 compliance plans will not permit parties to the July 2018 tariff proceeding to properly address these issues. UNITED at 28. UNITED further recommends that the Commission direct PWSA to model its tariff on Chapters 14 and 56, and to incorporate that language into its tariff directly. UNITED at 29.

For the most part, PWSA has agreed to voluntary compliance with 66 Pa. C.S. Chapter 14 and with 52 Pa. Code Chapter 56. PWSA at 12-15. However, PWSA requested that the Commission apply the Prior Tariff to resolve consumer disputes, complaints, or any Commission or prosecutory staff-initiated investigation until the approval of its compliance plans. *Id*. at 2. PWSA opined that this is necessary because clarity concerning which rules would apply to it and its customers was necessary if the Commission were to expect reasonable compliance.

As is discussed above, the Commission is cognizant of the tension between the April 1, 2018 jurisdictional threshold and the July 2018 tariff filings and the September 2018 compliance plan filing dates. While the Commission understands that PWSA desires to operate under rules with which it is familiar for as long as possible, Act 65 provides bookends to the statutory boundaries on the Commission’s ability to enforce the rates and terms of the Prior Tariff. 66 Pa. C.S. § 3203(a) provides that PWSA shall continue to provide service under its Prior Tariff until the effective date of a Commission order approving a new tariff. There is no authority for PWSA to delay until the Commission approves its compliance plans. The Commission will follow the Act 65 statutory mandates.

Likewise, the Commission cannot wholeheartedly adopt the BIE recommendation to wait until the compliance plan filings to address billing, collection, and termination issues. While these issues will no doubt be addressed in the compliance plans in some fashion, the Act does not permit the Commission to wait, particularly when compliance plan proceedings have no statutory deadline. Similarly, while the Commission understands that UNITED wants available consumer protections to apply sooner rather than later, Section 3203 permits PWSA to operate under its Prior Tariff. The fact that PWSA has agreed to operate under the standards of Chapters 14 and 56 during the transition period should work to ameliorate concerns about billing, collections and termination issues in the Prior Tariff.

Given the direction of Section 3203(a), the Commission will adopt the recommendation of the OCA, which is a pragmatic approach to this issue. Under that approach, items related to billing, collections, and termination must be included in both the tariff filings, and to the extent necessary, in the compliance plans. PWSA will include billing, collection and termination rules in its proposed tariff that are compliant with Chapter 14 of the Public Utility Code and Chapter 56 of the Commission’s regulations. Subsequently, in its compliance plans, PWSA shall include plans to fully comply with all these requirements.

**Assessments**

In the TIO, the Commission outlined compliance expectations regarding assessments under 66 Pa. C.S. § 3207. TIO at 25-26. PWSA will submit its 2017 calendar year total revenue collected for that year within 60 days of the entry of this Order. Thereafter, PWSA is to transmit its intrastate revenue information to the Commission annually subject to 66 Pa. C.S. § 510 as would any regulated public utility. TIO at 26.

In its Comments, the OCA points out that the Commission did not address whether the gross intrastate revenue of a tariffed stormwater service would be subject to assessment under 66 Pa. C. S. § 510. The OCA opines that if PWSA establishes a tariffed stormwater service, then that service should be subject to Commission assessment such that the Commission, the OCA, and the OSBA costs are properly allocated to stormwater customers. The Commission agrees with the OCA and PWSA is directed to comply with 66 Pa. C.S. § 510 as to any tariffed stormwater service approved by the Commission and, further, to report any other “gross intrastate operating revenues.”

**Baseline Audits**

Pursuant to 66 Pa. C.S. § 3208(a) and (b), the Commission sought comment on whether it should establish baseline performance audits by directing (1) its Bureau of Audits to conduct a review of PWSA financial operations, processes, and billing systems and (2) its Bureau of Consumer Services to conduct a review of PWSA customer service operations and consumer complaint handling process. TIO at 27-28. PWSA opines that performing audits of this scope simultaneously with its tariff preparations and compliance plans would overextend its resources. PWSA at 21. PWSA adds that it understands that it will be subject to management effectiveness operational efficiency audits in the future but suggests that such audits would be more productive if these were to occur after it obtains approval of its compliance plans. *Id*.

BIE opines that both the Audits and BCS reviews are necessary to inform the Commission of the reality of the financial and customer service operations of PWSA. BIE at 41. BIE suggests that the Commission should perform the audits and then use the results for remedial purposes. *Id*. BIE also suggests that PWSA could use the audits as a basis to develop its compliance plans. *Id*. UNITED offers similar suggestions, requesting that the results of these audits be released to the public as early as April 1, 2018, and that BCS use its audit as a basis for stakeholder meetings to address various issues of concern. UNITED at 30. UNITED also requests that the Commission direct PWSA to begin submitting detailed reports on all areas where it fails to comply with existing standards, and the reasons therefore, beginning on April 16, 2018. UNITED at 29-30.

The Commission concurs with BIE and UNITED that having a current Bureau of Audits and Bureau of Consumer Service analysis of PWSA operations important to effective regulation and oversight. That said, having such information for use beginning April 1, 2018, or even contemporaneously with the tariff and compliance plan filings is effectively precluded by the Act 65 deadlines. Comprehensive audits of PWSA would likely take more than three or four months, and there is no guarantee that PWSA could meaningfully participate in two major audits and simultaneously prepare multiple rate proceedings and compliance plans, let alone integrate the data produced by the audits into its filings in a meaningful way. The Commission also rejects the UNITED suggestion that PWSA begin to immediately report non-compliance because, to the extent that compliance is not addressed in the July 2018 tariff review proceedings, PWSA indicates that it will address these matters in its compliance plans. PWSA at 15.

The Commission will devote its attention to the PWSA tariff review and compliance plans given that Act 65 directs the Commission to prioritize these proceedings. The Commission nevertheless agrees that a management effectiveness operational efficiency audit and a customer service operations and consumer complaint handling process audit are, in time, both necessary and appropriate. Because of this, the Commission expects that it will schedule these audits at a future date. In the interim, stakeholders may look to the two recent independent audits of PWSA, both readily available to the public, for insight into the challenges PWSA faces as it transitions to regulation under the Public Utility Code.[[4]](#footnote-5)

**Long Term Infrastructure Improvement Plan**

Pursuant to the PWSA Long-Term Infrastructure Improvement Plan (LTIIP) required by 66 Pa. C.S. § 3204(b), the TIO provided significant detail regarding LTIIP and the Annual Asset Optimization Plans (AAOP) that PWSA will file as a part of its compliance plans. TIO at 19-22. It similarly addressed the potential for a Distribution System Improvement Charge (DSIC) pursuant to 66 Pa. C.S. § 3205(b). *Id*. at 23-24. The Commission incorporates that matter into this Order. While the Commission did not seek comment on the standards that would apply to the LTIIP or the AAOP, it did seek comment on:

(1) whether the July 2018 tariff filing would satisfy the base rate case filing requirement of 66 Pa. C.S. §§ 1353(4) and (5);

(2) how it might reconcile cash flow ratemaking with the language of 66 Pa. C.S. § 1357(a)(3) which specifies that DSIC recovery be based on the fixed costs of eligible property;

(3) whether PWSA should be permitted to file a unified LTIIP with the best possible segregation of discrete services and operations; and

(4) whether the future application of a DSIC should follow the distinct segments of PWSA operations and eligible property.

TIO at 24.

PWSA commented that it did not yet know if, as a part of its compliance plans, it would file a DSIC petition with its LTIIP or simply set forth a plan for the filing of a DSIC petition. PWSA at 11. PWSA also opined that the July 2018 rate filing satisfies the requirements of 66 Pa. C.S. §§ 1353(4) and (5). *Id*. PWSA further opines that the Commission should allow it to use a cash-flow method should it file a DSIC petition consistent with its preferred rate making methodology. *Id*.

The OCA opines that, so long as PWSA provides the complete contents of a base rate filing as outlined in the TIO, the July 2018 PWSA filings should be deemed to fulfill the DSIC requirements of Section 1353. OCA at 11. BIE is of a similar opinion. BIE at 33. The Commission agrees with PWSA, OCA, and BIE that complete July 2018 tariff filings will satisfy the base rate case requirement of Section 1353. The Commission is also in agreement with the OCA that PWSA may file DSIC petitions with its July 2018 rate filings with the understanding that PWSA cannot collect a DSIC until it obtains all necessary approvals. OCA at 11.

As to Section 1357(a)(3), which specifies that DSIC recovery be based on the fixed costs of eligible property, the OCA opines that it may be appropriate for PWSA to use a cash flow basis consistent with and based on PWSA’s past spending on DSIC-eligible property. OCA at 11. The Commission agrees with the OCA and PWSA on this point.

Commenters were not in complete agreement regarding whether PWSA should be permitted to file a unified LTIIP with the best possible segregation of discrete services and operations. PWSA was, as yet, unsure how it will proceed. PWSA at 11. BIE supported the filing of a unified LTIIP because it believed that such a filing would conserve resources. BIE at 36. BIE included the caveat that, if the water, wastewater, and stormwater aspects of the LTIIP were not sufficiently segregated, this should not compromise the positions of opposition parties. *Id*. The OSBA was of a similar opinion. OSBA at 4.

The OCA opined that the Commission should not permit PWSA to file a unified LTIIP for water, wastewater, and stormwater infrastructure improvement activities and operations. OCA at 12. The OCA reasoned that the customer base for each service is not identical, and therefore, the costs should not be combined for purposes of applying the DSIC mechanism. *Id*. The OSBA echoed this, opining that, while it believed that PWSA could file a single LTIIP, that filing must follow a strict segregation such that separate DSIC mechanisms would apply to PWSA’s water, wastewater, and stormwater services. OSBA at 4.

The Commission is of the opinion that whether to propose an individual or unified LTIIP is best left to the discretion of PWSA in the first instance. That said, if PWSA opts to file a unified LTIIP, it shall segregate its discrete services and operations as they exist at the time of the LTIIP filing. As to the future application of a DSIC, the Commission is of the opinion that approved DSIC mechanisms should follow the distinct segments of PWSA operations and eligible property whether they be water, wastewater, or in future, stormwater service.

**CONCLUSION**

This Final Implementation Order will provide for the orderly transition of regulation of the Pittsburgh Water and Sewer Authority from the Municipal Authorities Act to the Public Utility Code. In addition to outlining how PWSA may comply with the Public Utility Code, Commission Regulations, and applicable precedent, this Order provides direction to affected stakeholders and members of the public on how PWSA may achieve the regulatory transition mandated by Act 65 of 2017.

The contact persons for this proceeding are, Shaun A. Sparks, [shsparks@pa.gov](mailto:shsparks@pa.gov), Assistant Counsel in the Commission’s Law Bureau, Sean Donnelly, [sdonnelly@pa.gov](mailto:sdonnelly@pa.gov), in the Water/Wastewater Section of the Commission’s Bureau of Technical Utility Services, and James Farley, [jafarley@pa.gov](mailto:jafarley@pa.gov), in the Commission’s Bureau of Consumer Services; **THEREFORE,**

**IT IS ORDERED:**

* 1. That procedures and guidelines for the implementation of Act 65 of 2017 are adopted, as set forth herein and, unless specifically rejected, in the Tentative Implementation Order;
  2. That the Pittsburgh Water and Sewer Authority shall file its Official Prior Tariff no later than March 30, 2018 to be effective April 1, 2018;
  3. That, to the extent necessary, a waiver or extension of the filing deadlines is granted pursuant to 66 Pa. C.S. § 3202 and the Pittsburgh Water and Sewer Authority shall file its water and wastewater tariffs and supporting data, utilizing the cash flow method, on or before July 2, 2018, and shall file its compliance plans on or before September 28, 2018;
  4. That the Pittsburgh Water and Sewer Authority shall, as a part of its July 2018 wastewater tariff filing, (1) identify the costs and cost allocations associated with its segregated stormwater system; (2) provide a preliminary estimate of costs when a stormwater rate is implemented; (3) provide a projection of a stormwater revenue requirement; (4) identify the portion of its wastewater costs attributable to its stormwater system;
  5. That the Pittsburgh Water and Sewer Authority shall develop a plan to implement a separate tariff for its stormwater service, along with a compliance plan, to be filed no later than its next wastewater base rate filing after the July 2018 filing;
  6. That the compliance plans, which will detail how to bring the Pittsburgh Water and Sewer Authority into compliance with the Public Utility Code, also shall address: (1) the future implementation of a stormwater tariff; (2) a plan to address lead levels in the water supply and the replacement of lead service lines; (3) a metering plan identifying unmetered accounts and plans to meter all customers; (4) plans to convert to the Uniform Standards of Accounts; (5) a Self-Certification Form for Security Planning and Readiness; (6) plans to fully comply with the billing, collection, complaint, and termination rules of Chapter 14 of the Public Utility Code and Chapter 56 of the Commission’s regulations; (7) Bureau of Consumer Services access to PWSA customer service management information system;
  7. That, pending final Commission approval of its proposed tariffs and compliance plans, the Commission accepts PWSA’s offer of voluntary compliance and hereby directs compliance with the following provisions effective April 1, 2018:
     1. 52 Pa. Code Chapters 1, 3, and 5 setting forth the procedures used to resolve various requests for relief and formal complaints filed at the Commission.
     2. 52 Pa Code §§ 56.140 – 56.181 detailing procedures utilities are to follow in response to customer disputes and prohibiting termination based on disputed matters.
     3. 52 Pa. Code § 56.81 – 56.131 detailing procedures utilities are to follow regarding termination and staying termination while matters are under review by the Bureau of Consumer Services and while appeals are pending.
  8. PWSA will submit its 2017 calendar year total revenue collected for that year within 60 days of the entry of this Order. Thereafter, PWSA is to transmit its intrastate revenue information to the Commission annually subject to 66 Pa. C.S. § 510 as would any regulated public utility.
  9. That a copy of this Final Implementation Order be posted on the Commission’s website at [www.puc.pa.gov](http://www.puc.pa.gov);
  10. That a copy of this Final Implementation Order be served on the Pittsburgh Water and Sewer Authority, all jurisdictional water and wastewater companies contiguous to the Pittsburgh Water and Sewer Authority, the National Association of Water Companies – Pennsylvania Chapter, the Pennsylvania Municipal Authorities Association, the Commission’s Bureau of Investigation and Enforcement, the Office of Consumer Advocate, and the Office of Small Business Advocate.
  11. That this docket be closed.

 **BY THE COMMISSION**

Rosemary Chiavetta

Secretary

(SEAL)

ORDER ADOPTED: March 15, 2018

ORDER ENTERED: March 15, 2018

1. <http://www.pgh2o.com/rules> [↑](#footnote-ref-2)
2. Relevant forms for water and wastewater companies may be found online at <http://www.puc.state.pa.us/filing_resources/water_online_forms.aspx> . [↑](#footnote-ref-3)
3. However, the Commission expects that the development of any rates associated with the contemplated stormwater tariff will be adequately supported by relevant and appropriate costs, including but not limited to capital costs, operation and maintenance expenses, a proper allocation of PWSA’s overall administrative costs to the Authority’s stormwater operations, and the proper accounting of any data base development and upkeep costs associated with the future application of the stormwater tariff. [↑](#footnote-ref-4)
4. The November 2017 PWSA Audit of the Auditor General is available at:

   <http://www.paauditor.gov/Media/Default/Reports/PWSA-Audit%20Report%2011-01-17.pdf>;

   the February 2017 PWSA Performance Audit of the Pittsburgh City Controller is available at: <http://apps.pittsburghpa.gov/co/Draft_Pittsburgh_Water_and_Sewer_Authority_February_2017.pdf>. [↑](#footnote-ref-5)