



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

March 31, 2020

Via Electronic Filing

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

Re: Pennsylvania Public Utility Commission v.
Pittsburgh Water and Sewer Authority
Docket No. R-2020-3017970 (Wastewater)
I&E Motion for Extension

Dear Secretary Chiavetta:

Enclosed please find the Bureau of Investigation and Enforcement's (I&E) **Notice to Plead and Expedited Motion for an Extension of the Statutory Suspension Period of Pittsburgh Water and Sewer Authority's Water and Wastewater Base Rate Proceedings** in the above-captioned proceedings.

Consistent with Paragraph 8 of the Commission's March 20, 2020 Emergency Order at Docket No. M-2020-3019262 (Re: Suspension of Regulatory and Statutory Deadlines; Modification to Filing and Service Requirements), electronic copies only are being served on all active parties of record as evidenced in the attached Certificate of Service. If you have any questions, please contact me at (717) 787-8754.

Respectfully,

Gina L. Miller
Prosecutor
Bureau of Investigation and Enforcement
PA Attorney ID No. 313863
(717) 787-8754
ginmiller@pa.gov

GLM/jfm
Enclosures

cc: Honorable Charles E. Rainey, Jr. (OALJ – PUC Philadelphia, via email only)
Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	
v.	:	Docket Nos. R-2020-3017951
	:	R-2020-3017970
Pittsburgh Water and Sewer Authority –	:	
Base Rates (Water and Wastewater)	:	

NOTICE TO PLEAD

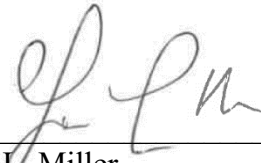
*To: Deanne O'Dell, Esq. and Daniel Clearfield, Esq.
Counsel for Pittsburgh Water and Sewer Authority Pittsburgh Water and Sewer
Authority*

You are hereby notified to file a written response to the attached I&E's Expedited Motion for an Extension of the Statutory Suspension Period of PWSA's Water and Wastewater Base Rate Proceedings in the form and manner as directed by the presiding officer. If you do not file a written response to I&E's Expedited Motion, the presiding officer may rule in favor of I&E on the attached Expedited Motion without a hearing.

All pleadings, such as answers to motions, must be filed with the Secretary of the Pennsylvania Public Utility Commission:

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

You must also serve a copy of your response on the undersigned prosecutors.



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

John M. Coogan
Prosecutor
Bureau of Investigation and Enforcement
PA Attorney ID No. 313920

Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor West
Harrisburg, Pennsylvania 17120

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	
v.	:	Docket Nos. R-2020-3017951
	:	R-2020-3017970
Pittsburgh Water and Sewer Authority –	:	
Base Rates (Water and Wastewater)	:	

**THE BUREAU OF INVESTIGATION & ENFORCEMENT’S
EXPEDITED MOTION FOR AN EXTENSION OF THE STATUTORY
SUSPENSION PERIOD OF PITTSBURGH WATER AND SEWER AUTHORITY’S
WATER AND WASTEWATER BASE RATE PROCEEDINGS**

I. INTRODUCTION

As more fully set forth below, pursuant to the authority issued in both Governor Tom Wolf’s Disaster Proclamation attesting to the existence of a disaster emergency in Pennsylvania due to COVID-19 (“the coronavirus”), and the Pennsylvania Public Utility Commission’s Emergency Order dated March 20, 2020¹, the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”) respectfully requests that Chief Administrative Law Judge Charles E. Rainey, Jr. issue an order Commission order the extension of the statutory suspension period arising under 66 Pa. C.S. § 1308(d) for Pittsburgh Water and Sewer’s (“PWSA”) rate cases at Docket Nos. R-2020-3017951 and R-2020-3017970 by a period of time commensurate with the closure of the Commission’s offices during the coronavirus pandemic.

¹ *Re: Suspension of Regulatory and Statutory Deadlines; Modification to Filing and Service Requirements, EMERGENCY ORDER*, Docket No. M-2020-3019262 (dated March 20, 2020, ratified on March 26, 2020).

I&E asserts that such action is warranted on multiple grounds, each of which independently warrants I&E's requested relief, but when viewed in totality, demonstrate the severe and irreparable harm I&E would face absent the requested relief. These grounds include the following: (1) PWSA elected to file its base rate cases during a public health emergency; (2) I&E has been prejudiced by its lack of resources to investigate PWSA's filing remotely; (3) I&E's lack of resources is compounded by the complexity of PWSA's unprecedented rate proposals; (4) I&E's lack of resources is further compounded by fact that PWSA's cases will be significantly impacted by the Commission's recent action in its Stage 1 Compliance Plan Case; and (5) Due process and the public interest will be compromised if PWSA's filing cannot be adequately investigated by I&E.

Additionally, I&E respectfully requests expedited consideration of its Motion. An expedited resolution is essential because I&E's ability to conduct an adequate investigation into PWSA's base rate filings and to develop a comprehensive record regarding those filings is at issue. I&E submits that the coronavirus pandemic is the type of *force majeure* circumstance that, despite its best mitigation efforts, its currently limited operations cannot absorb as it relates to PWSA's base rate cases. In support of this Expedited Motion, I&E avers the following:

II. PROCEDURAL HISTORY

1. On the morning of March 6, 2020, pursuant to subsection 7301(c) of the Emergency Management Services Code, 35 Pa. C.S. §§ 7101, Governor Tom Wolf issued a Disaster Proclamation attesting to the existence of a disaster emergency in Pennsylvania due to COVID-19 ("the coronavirus"). Governor Wolf's Declaration, which is attached herein as

Exhibit A, is effective for up to ninety (90) days unless he acts to extend it for a further period of time.

2. Governor Wolf's Disaster Proclamation recognized that because of the emergency's impact upon operations, that the statutes and regulations that govern procedures for Commonwealth agency business may need to be waived or altered, as exemplified by the following passage:

FURTHER, I hereby suspend the provisions of any regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance, with the provisions of any statute, order, rule or regulation would in any way prevent, hinder, or delay necessary action in coping with this emergency.²

3. On the afternoon of March 6, 2020, Pittsburgh Water and Sewer Authority ("PWSA") made the following filings with the Pennsylvania Public Utility Commission ("Commission"): (1) a water base rate case filed at Docket No. R-2020-3017951; (2) a wastewater base rate case filed at Docket No. R-2020-3017970; (3) Petition for Waiver of Provisions of Act 11 to Increase the DSIC CAP, to Permit Levelization of DSIC Charges, and to Authorize the Pay-as -You-Go Method of Financing ("DSIC Petition") filed at Docket No. P-2020-3019019.

4. Subsequently, on March 6, 2020, pursuant to Sections 1311 (c) and 3202 (b) of the Public Utility Code, PWSA filed a Petition for Consolidation of Water and Wastewater Rate Proceedings and For Authorization to Use Combined Water and Wastewater Revenue Requirements ("Base Rate Consolidation Petition"). In its Consolidation Petition, PWSA requested that the Pennsylvania Public Utility Commission ("Commission") permit it to do

² Exhibit A, p. 2.

the following: (1) consolidate its water base rate proceeding, docketed at R-2020-3017951, and its wastewater rate proceeding, docketed at R-2020-3017970, into a single proceeding; and (2) permit PWSA to use a consolidated water/wastewater revenue requirement in the single proceeding for the requested base rate increases.³

5. As explained in depth below in Section III (c), PWSA’s base rate cases include several complex and unprecedented proposals that warrant close scrutiny, investigation, and development for the record, including the following:

- a. implementation of a DSIC at an unprecedented level of 10% of distribution revenue, which is proposed to automatically become effective at the same time as proposed base rates;
- b. A novel alternative ratemaking proposal in the form of a Multi-Year Rate Plan, which proposes to subject PWSA’s ratepayers to a second tier of rate increase, a proposal which has never previously been before the Commission; and
- c. A stormwater tariff, which, to I&E’s knowledge, represents the first and only stormwater tariff that parties and the Commission have ever had the authority to consider.

6. Thereafter, on March 9, 2020, PWSA filed a Petition to Consolidate its DSIC Petition with Base Rate Case Filings for Both Water and Wastewater Conveyance (“DSIC and Base Rate Consolidation Petition”).

7. On March 9, 2020, counsel for I&E entered their appearances in both PWSA’s water and wastewater base rate cases, as well as in its DSIC Petition case.

8. During the first few days of receiving the filing, it was necessary for I&E’s counsel to devote significant time reviewing, considering, and ultimately responding to

³ *PA PUC v. Pittsburgh Water and Sewer Authority*, Consolidation Petition, R-2020-3017951 et al., p. 1 (March 3, 2020). I&E notes that it has supported PWSA’s request by way of answer filed on March 13, 2020.

PWSA's dual Petitions requesting consolidation: (1) the request to consolidate PWSA's water and wastewater rate proceedings and for authorization to use combined water and wastewater revenue requirements at R-2020-3017951 and R-2020-3017970, respectively; and (2) PWSA's Petition to Consolidate its DSIC filed at P-2020-3019019 with its rate case dockets.

9. On March 11, 2020, the World Health Organization declared the coronavirus a pandemic.

10. On Friday, March 13, 2020, the last date that the Commission was opened for business, I&E filed Answers to support all of PWSA's consolidation requests at appropriate dockets.

11. On Monday, March 16, 2020, the Commission closed. At the time that the Commission closed, only 5 business days had elapsed between the time of PWSA's filings referenced in Paragraph 2, and the Commission's closure.

12. At the time of closure on March 16, 2020, the Commission directed its employees to, to the extent that they are equipped to telework and have the necessary equipment, they should begin teleworking.

13. The undersigned counsel and its team of witnesses do not have Commission-issued technology; therefore, they have had access only to limited private resources since Friday, March 13, 2020.

14. Without waiving any attorney-client privilege, and divulged only to the extent necessary for purposes of this Expedited Motion, counsel for I&E has instructed its team of witnesses not to access any of PWSA's confidential materials and any data room information for which they could not guarantee secure access. Counsel has adopted the same protocols

because, in counsel's estimation, I&E has a duty to ensure that PWSA's materials not intended for public disclosure are not publicly disclosed or compromised, and that duty could be compromised when personal resources are used that may not be as secure as Commission-provided devices and technology.

15. As a result of use of limited personal resources, and its lack of access to critical resources that are available only at its offices, I&E's ability to investigate PWSA's filing and to coordinate with its witnesses has been significantly frustrated and compromised.

16. On March 20, 2020, the Commission issued an Emergency Order at Docket No. M-2020-3019262. The Commission's Emergency Order noted that the closure of the Commission's offices presents "many challenges for the Commission, the regulated community, and the public." Under such circumstances, the Emergency Order noted that while the Commission and the regulated community "operate under reasonable statutory and regulatory deadlines necessary to ensure timely administration of the Public Utility Code" the Commission is aware that some deadlines or obligations may hinder the public service mission of the Commission and its affected stakeholders.

17. While the Commission's Emergency Order encouraged parties to proceedings before the Commission to cooperate regarding the suspension, extension, waiver or change of any regulatory, statutory, or procedural deadlines established by the Code, the Commission also ordered that all statutory and regulatory deadlines prescribed by the Code or applicable law may be suspended, extended, waived or changed during the pendency of the Governor's Proclamation of Disaster Emergency.

18. On March 23, 2020, I&E contacted PWSA's counsel by telephone to indicate that (1) I&E does not have Commission-based access to PWSA's data room and non-public

filing materials and therefore has been operating without use of those resources in order to avoid any inadvertent disclosure and (2) that I&E requests that PWSA voluntarily extend the nine-month suspension period for its water and wastewater base rate cases under 66 Pa. C.S. § 1308(d), and its Petition for DSIC⁴ by a period commensurate with the amount of time that the Commission is closed for the reasons outlined in the bases for relief outlined below.

19. On March 23, 2020, PWSA's counsel agreed to talk with PWSA to (1) determine whether and how I&E's counsel and staff would be permitted to access PWSA's data room and filing materials considering the lack of Commission-based resources; (2) discuss and consider I&E's request for an extension of time as requested; and (3) consider whether PWSA wished to make an alternate proposal regarding the timeline of its case dependent upon the outcome of the Commission's telephonic public meeting on March 26, 2020 and any further updates about when the Commission's offices may be expected to reopen.

20. On March 23, 2020, considering the willingness of PWSA's counsel to engage with I&E on operational issues, and pending the development of additional guidance and information, I&E's counsel agreed to abstain from filing the instant Expedited Motion until after Monday, March 30, 2020 when PWSA's counsel committed to issuing a response to I&E's requests.

21. On March 30, PWSA responded to I&E. PWSA indicated that it would grant I&E's counsel and expert witness team permission to access case information and discovery

⁴ I&E acknowledges that PWSA's Petition for DSIC at Docket No. P-2020-3019019 is not confined to the statutory time period prescribed under 66 Pa. C.S. § 1308(d); however, as I&E explained in its Answer to PWSA's request for consolidation, PWSA's DSIC Petition is reliant upon and supported by PWSA's base rate filings at Docket Nos. R-2020-3017951 and R-2020-3017970. Therefore, I&E asserts that all three proceedings warrant consolidation and should be addressed in the same proceeding and on an identical timeline.

information, including data room access, from their personal computers. With respect to extension of the statutory timeline for its base rate cases, PWSA indicated that it is still considering its options, and that it is not ready to make any decisions. While PWSA represented that it would need more time to make any decision, it did not indicate when a decision was anticipated. Considering the uncertainty of whether and when PWSA may make a decision, I&E informed PWSA that it would be filing this Expedited Motion on March 31, 2020 in an attempt to protect its ability to investigate and litigate PWSA's pending base rate cases.

22. I&E notes that the Commission has not yet acted to suspend PWSA's base rate filings to date; therefore, no presiding officer has been assigned, nor has any litigation schedule been established. Nonetheless, I&E submits that its requested relief is wholly appropriate and necessary because the timeline PWSA's general rate increases prescribed pursuant by 66 Pa. C.S. § 1308(d)⁵ has not been tolled and continues to run in the interim, to the detriment of I&E under the circumstances imposed by the pandemic.

⁵ This section provides in pertinent part, as follows: [w]henver there is filed with the commission by any public utility described in paragraph (1)(i), (ii), (vi) or (vii) of the definition of "public utility" in section 102 (relating to definitions), and such other public utility as the commission may by rule or regulation direct, any tariff stating a new rate which constitutes a general rate increase, the commission shall promptly enter into an investigation and analysis of said tariff filing and may by order setting forth its reasons therefor, upon complaint or upon its own motion, upon reasonable notice, enter upon a hearing concerning the lawfulness of such rate, and the commission may, at any time by vote of a majority of the members of the commission serving in accordance with law, permit such tariff to become effective, except that absent such order such tariff shall be suspended for a period not to exceed seven months from the time such rate would otherwise become effective. Before the expiration of such seven-month period, a majority of the members of the commission serving in accordance with law, acting unanimously, shall make a final decision and order, setting forth its reasons therefor, granting or denying, in whole or in part, the general rate increase requested. If, however, such an order has not been made at the expiration of such seven-month period, the proposed general rate increase shall go into effect at the end of such period, but the commission may by order require the interested public utility to refund, in accordance with section 1312 (relating to refunds), to the persons in whose behalf such amounts were paid, such portion of such increased rates as by its decision shall be found not justified, plus interest, which shall be the average rate of interest specified for residential mortgage lending by the Secretary of Banking in accordance with the act of January 30, 1974 (P.L. 13, No. 6), referred to as the Loan Interest and Protection Law,¹ during the period or periods for which the commission orders refunds.

III. GROUNDS FOR THE REQUESTED RELIEF

1. PWSA Elected to File its Base Rate Cases During a Public Health Emergency

As explained above, PWSA filed its complex and unprecedented base rate cases and DSIC Petition on March 6, 2020, which is the same date upon which Governor Wolf issued the Disaster Proclamation. For purposes of clarity, I&E is not suggesting that PWSA should have foreseen the seriousness of the coronavirus pandemic when it was compiling its base rate case. However, what I&E is suggesting is that, as a matter of managerial discretion, PWSA was empowered to decide when to file its base rate cases. To be sure, “[t]he Public Utility Code does not proscribe the timing of a utility's rate case, leaving it to the option of the utility. . . .”⁶ Although I&E recognizes that the need to recoup operational expenses, facilitate necessary capital projects, and various additional reasons related to operational needs often drive the timing of a regulated utility’s base rate filings, the decision of the timing is solely within the purview of the utility. In this case, PWSA apparently made the business decision to move forward with making its filings after, by way of the Emergency Proclamation, Governor Wolf recognized that because of the emergency’s impact upon operations, that the statutes and regulations that govern procedures for Commonwealth agency business may need to be waived or altered.

In direct opposition to PWSA’s complete control over the timeline for its base rate filings, I&E had no discretion or control over the timing. Instead, regardless of I&E’s workload, availability of witnesses, and other competing operational obligations, I&E must stand ready to investigate and prosecute jurisdictional utilities’ base rate filings at whatever

⁶ *Popowsky v. Pa. PUC*, 695 A.2d 448, 459 (Pa. Commw., 1997) (dissenting opinion).

time those utilities elect to make their filings. While it cannot control utility base rate case filing timelines, I&E nonetheless relies upon its staff and its Commission-based resources to ensure that it stands ready to investigate and prosecute the cases under almost any circumstance. I&E submits that the coronavirus pandemic is the type of *force majeure* circumstance that, despite its best mitigation efforts, its currently limited operations cannot absorb. As outlined above, and further detailed below, the closure of the Commission's offices have deprived I&E's counsel and expert witness team of the technology, resources, and operational necessities that now make its ability to investigate and prosecute PWSA's filings impracticable, if not impossible.

Importantly, as recognized in the Commission's Emergency Order, the closure of the Commission's offices, which became necessary in light of the coronavirus pandemic, presents "many challenges for the Commission, the regulated community, and the public." Under such circumstances, as noted in the Emergency Order, where the Commission is aware that some deadlines or obligations may hinder the public service mission of the Commission and its affected stakeholders, statutory and regulatory deadlines prescribed by the Code or applicable law may be suspended, extended, or waived. I&E submits that its current plight is exactly the type of scenario that the Commission's ability to suspend, extend, or waive statutory deadlines is designed to remediate. To that end, I&E avers that while additional bases of support exist, this ground alone independently warrants the grant of I&E's Expedited Motion for an Extension of the Statutory Suspension Period of PWSA's Water and Wastewater Base Rate Proceedings.

2. I&E Has Been Prejudiced by its Lack of Resources to Investigate PWSA's Filing Remotely

I&E's ability to fulfill its statutory duty in PWSA's proceedings has been severely compromised by its lack of access to the Commission's offices, technology and limited continuity of operations. By way of further explanation, I&E is a statutory advocate as defined by the Commission's regulations at 52 Pa. Code § 1.8.⁷ I&E is uniquely positioned to assist the Commission in its evaluation of PWSA's base rate cases and DSIC Petition because I&E's role in these cases is directly aligned with its charge to represent the public interest in ratemaking and service matters, and to enforce compliance with the Code.⁸ In short, the clear hindrance of I&E's ability to conduct an investigation into PWSA's filings and to enable its expert witnesses to develop positions regarding important issues implicated in these cases with both deprive the Commission of an adequate record for those cases, and jeopardize the public interest.

As explained above, I&E's ability to conduct an investigation into PWSA's filings has been compromised in several ways. First, the Commission's physical offices were open for only five business days after the receipt of PWSA's complex and unprecedented filings. Accordingly, I&E's counsel and expert witness team had only five days of access to the resources it depends upon in their regular course of business, including the Commission's offices, equipment, secured data storage, meeting facilities and coordinated support staff. While the Commission has adopted "telework" and "work from home" provisions for

⁷ Note that while it has no bearing on I&E's status as a statutory advocate, the statutory provision cited lists the "Office of Trial Staff", which transitioned to I&E in 2012, as a statutory advocate.

⁸ 66 Pa. C.S. §§ 101 *et seq.*, and Commission regulations, 52 Pa. Code §§ 1.1 *et seq.* See *Implementation of Act 129 of 2008; Organization of Bureaus and Offices*, Docket No. M-2008-2071852 (Order entered August 11, 2011).

Commission employees who have the capability to telework, I&E's counsel and expert witness team's ability to telework is limited. The limitations that I&E's counsel and expert witnesses faces result primarily from the fact that neither I&E's counsel nor its expert witness team has been permitted to telework prior to the instant Disaster Emergency. Therefore, neither counsel nor its expert witness team were prepared for or possessed the resources necessary to ensure continuity of operations via telework for any period of time, let alone for any sustained period of time.

Along with the lack of any Commission-established telework policy and protocol, I&E's counsel and expert witness team has been put in the position of attempting to develop and coordinate a best-efforts plan to permit its work to continue to the extent possible. As referenced above, I&E's counsel and expert witness team are working from their limited personal resources, where possible. The practical reality of this situation is some members of I&E's expert witness team either do not have computer access or have access to devices that are not effective for facilitating the type of work that I&E must complete. While all I&E team members who have personal resources are using them in an attempt to continue some form of operation, no team member can guarantee that the security of his or her personal computer is aligned with the security available at the computers in their workstations at the Commission's offices. Accordingly, where limited resources exist, I&E still must depend upon PWSA's willingness to permit I&E employees to access case materials from their personal devices. Accordingly, I&E has demonstrated that its ability to prosecute PWSA's filings has been prejudiced by its lack of resources. While additional bases of support exist, this ground alone independently warrants the grant of I&E's Expedited Motion for an

Extension of the Statutory Suspension Period of PWSA’s water and wastewater base rate proceedings.

3. I&E’s Lack of Resources is Compounded by Complexity of PWSA’s Unprecedented Proposals

It is axiomatic that every rate made, demanded, or received by any public utility, shall be just and reasonable, and in conformity with regulations or orders of the Commission.⁹ Additionally, it is well-settled that the Commission has broad discretion in determining whether rates are reasonable,¹⁰ and that it is vested with discretion to decide what factors it will consider in setting or evaluating a utility's rates.¹¹ I&E submits that the Commission’s rate-setting authority necessarily relies upon a well-developed record in each underlying case, and that reliance upon a well-constructed record becomes even more important for the Commission when, as is the case here, the filing utility makes complex and unprecedented proposal. In this case, PWSA has proposed multiple complex and unprecedented proposals.

At the outset, it is important to recognize that in its base rate filings at issue, PWSA seeks a significant increase in the rates of its water operations and its wastewater operations, which is predicated upon several novel and unprecedented rate mechanisms. Specifically, PWSA’s base rate filings propose to produce additional annual operating revenues of \$43.8 million for its fully projected future test year alone, or approximately 25.4%, over its annualized test year revenues at present rates. Notably, PWSA’s revenue request is predicated, in part, on a 10% distribution improvement charge (“DSIC”).¹² I&E notes that

⁹ 66 Pa. C.S. § 1301.

¹⁰ *Popowsky v. Pa. PUC*, 683 A.2d 958, 961 (Pa. Commw. 1996).

¹¹ *Popowsky v. Pa. PUC*, 669 A.2d 1029, 1040 (Pa. Commw. 1995).

¹² *PA PUC v. Pittsburgh Water and Sewer Authority*, R-2020-3017951, PWSA St. No. 3, p. 5.

PWSA proposes to waive several provisions of the DSIC statute in order to begin charging the DSIC rate as soon as new rates go into effect, and in an amount that has never before been approved by the Commission.¹³ Specifically, in order to facilitate approval of its DSIC as proposed, PWSA asks the Commission to waive applicable law and regulations so that it will be permitted to: (1) fund the DSIC at 10% of the PWSA's distribution revenues; (2) recover in the DSIC either the debt service and debt service coverage associated with DSIC eligible property; or, cash that the PWSA expends to finance a portion of its Capital Improvement Plan through “PAYGO” (where the PWSA expends the funds for a construction project in the year in which the construction occurs and the project goes into service); and, (3) charge the DSIC at a levelized, amount each month.¹⁴ I&E’s research indicates that the first two prongs of PWSA’s waiver request, DSIC funding at a level of 10% and implementation of a DSIC when rates become effective via the PAYGO proposal, have never been considered by the Commission. The novelty and complexity of PWSA’s waiver requests, and the potentially significant amount of ratepayer impact, highlight the need for parties to adequately investigate the proposal and to build a comprehensive record for the Commission’s consideration. For the reasons mentioned above, I&E’s current inability to conduct an adequate investigation into PWSA’s rate proposals, which is necessary to develop the comprehensive record required here, compromises the public interest.

¹³ See Petition of the Pittsburgh Water and Sewer Authority for Waiver of Provisions of Act 11 to Increase the DSIC Cap, to Permit Levelization of DSIC Charges, and to Authorize the Pay -As -You Go Method of Financing, filed March 3, 2020 at P-2020-3019019. I&E notes that PWSA is seeking to consolidate the Petition with this rate proceeding, and that all of PWSA’s support for and revenue dependency for the DSIC is included in the base rate cases at issue in this Expedited Motion.

¹⁴ *PA PUC v. Pittsburgh Water and Sewer Authority*, R-2020-3017951, PWSA St. No. 5, p. 15.

Aside from the DSIC, the complexity of PWSA’s filings is further compounded in that it has also elected to make an alternative ratemaking proposal in the form of a Multi-Year Rate Plan (“MYRP”). I&E notes that pursuant to 66 Pa. C.S. § 1330, *Alternative ratemaking for utilities*, PWSA has authority to propose its MYRP, which the statute defines as follows:

[A] rate mechanism under which the commission sets base rates and revenue requirements for a multiyear plan period and authorizes periodic changes in base rates, including, but not limited to, adjustments to account for inflation and capital investments without the necessity for base rate proceedings during the approved plan period.¹⁵

Here, in its base rate cases, on top of its request for its additional annual operating revenues of \$43.8 million for its fully projected future test year alone, PWSA proposes at MYRP proposed to in an additional, second -year increase in the rates of its water operation wastewater operation to produce additional annual operating revenues of \$12.6 million, another increase of approximately 6.4%.¹⁶ I&E notes that PWSA’s MYRP is the first MYRP proposal ever before parties and before the Commission for evaluation. The need for PWSA’s MYRP to be thoroughly and comprehensively investigated in PWSA’s base rate cases is evident in that the Commission previously declined to address the parameters for and customer protects necessary to implement in the context of alternative ratemaking.¹⁷ Instead, the Commission specifically directed parties to develop such considerations “in an adjudicated base rate proceeding based on the rate mechanism proposed by the utility and the

¹⁵ 66 Pa. C.S. § 1330.

¹⁶ Id.

¹⁷ Implementation of Act 58 of 2018 Alternative Ratemaking for Utilities, Docket No. M-2018-3003269, p. 17, (Implementation Order, April 25, 2019).

facts associated with that utility and its proposed rates.”¹⁸ For the reasons mentioned above, I&E’s current inability to conduct an adequate investigation into PWSA’s rate proposals, which is necessary to develop the comprehensive record required here, will deprive the Commission of the record it anticipates relying upon when it considers PWSA’s MYRP, the first such alternative ratemaking mechanisms of its kind ever proposed before the Commission. I&E submits that such a result is contrary to the public interest.

Finally, I&E notes that PWSA’s base rate cases are also unprecedented in that they seek approval of a stormwater tariff. In this case, for the first time, PWSA seeks approval of a stormwater that will set forth its proposed program structure, policies, and procedures for stormwater.¹⁹ Importantly, PWSA is presently the only regulated authority as defined by 66 Pa. C.S. § 3201, meaning that it is the only entity for which the Commission has authority to regulate stormwater service. This distinction is important, because until now, never has the Commission had the authority and the occasion to review a stormwater tariff, and nor have parties in PWSA’s base rate proceedings. I&E submits that from the limited review it has been able to conduct, PWSA’s stormwater tariff makes novel proposals that warrant further investigation, including an unprecedented incentive program for property owners to engage in stormwater mitigation measures and earn credits to reduce their stormwater fee,²⁰ and implicating issues of PWSA’s assumption of responsibility for maintenance and improvements in areas that are outside of its service obligations.²¹ While I&E admits that its initial concerns warrant further investigation, for the reasons mentioned above, I&E’s current

¹⁸ Id.

¹⁹ *PA PUC v. Pittsburgh Water and Sewer Authority*, R-2020-3017951, PWSA St. No. 1, p. 7; PWSA Exh. BD -3.

²⁰ *PA PUC v. Pittsburgh Water and Sewer Authority*, R-2020-3017951, PWSA St. No. 9, p. 19.

²¹ Id. at pp. 19-25.

inability to conduct an adequate investigation into PWSA's proposed stormwater tariff, which is necessary to develop the comprehensive record required here, compromises the public interest.

4. I&E's Lack of Resources is Further Compounded by Fact that PWSA's Cases Will Be Significantly Impacted by the Commission's Recent Action in its Stage 1 Compliance Plan Case

Yet another hurdle that significantly prejudices I&E's ability to adequately investigate PWSA's base rate cases during the traditional statutory suspension period prescribed by 66 Pa. C.S. § 1308(d) is that PWSA unfathomably elected to file its rate case at a time when its revenue requirement hinged upon assumptions that have since been invalidated. More specifically, when PWSA submitted its base rate case on March 6, 2020, it explicitly acknowledged that the Commission's Order was not expected to be issued for its Compliance Plan Stage 1 proceeding²² until late March.²³ The relevance and impact of the outcome of the Compliance Plan Stage 1 proceeding upon PWSA's instant base rate cases is undeniable. PWSA and I&E well-understood that the Compliance Plan Stage 1 would resolve the following pertinent litigated issues, each of which would have a direct effect on either PWSA's operating expenses or revenues: (1) PWSA's Cooperation Agreement with the City of Pittsburgh ("City"); (2) the responsibility for payment of costs related to metering municipal properties within the City; (3) the billing plan for unmetered and/or unbilled municipal properties within the City; (4) the responsibility for payments of costs related to metering municipal properties within the City; and (5) PWSA's residence requirement.

²² *Implementation of Chapter 32 of the Public Utility Code Regarding Pittsburgh Water and Sewer Authority Stage 1*, M-2018-2640802 et al.

²³ *PA PUC v. Pittsburgh Water and Sewer Authority*, R-2020-3017951, PWSA St. No. 1, p. 15.

Despite PWSA's clear notice that its operating expenses and revenues would be substantially impacted by the outcome of the Commission's Order in the Compliance Plan Stage 1 case, and that the Order would be issued by no later than March 31, 2020,²⁴ PWSA filed its base rate cases on March 6, 2020. Significantly, with the limited review that I&E's counsel has been able to conduct at this time, it appears that PWSA's base rate filings are predicated upon the assumption that most or all of the litigated issues would be resolved in its favor. Specifically, PWSA's filing admits that it has not projected any revenue for unmetered City accounts,²⁵ it assumes approval of assessing metered City accounts at only 40% of the full rate for 2021 and 60% of the full rate for 2022,²⁶ it has elected to operate under the terms of a new, unapproved City Cooperation Agreement since October 4, 2019,²⁷ bases its revenue requirement, in part, upon the need to recover \$5.6 million in Cooperation Agreement payments,²⁸ and it assumes that its residency requirement will continue to be place.²⁹

On March 26, 2020, several of the positions that PWSA relied upon in addressing the Compliance Plan Stage 1 litigated issues in its base rate proceedings were rejected by the Commission. Specifically, in its Opinion and Order, the Commission ordered PWSA to revise its Compliance Plan consistent with the following outcomes regarding the litigated issues: (1) that the 1995 Cooperation Agreement is to be terminated, and business transactions conducted with the City of Pittsburgh are to occur on a transactional basis until a

²⁴ *PA PUC v. Pittsburgh Water and Sewer Authority*, R-2020-3017951, PWSA St. No. 1, p. 15.

²⁵ *Id.* at PWSA St. No. 3, p. 24.

²⁶ *Id.* at St. No. 7, p. 30.

²⁷ *Id.* at PWSA St. No. 2, p. 6.

²⁸ *Id.* at PWSA St. No. 3, p. 14.

²⁹ *Id.* at PWSA St. No. 2, p. 11.

new Cooperation Agreement is reviewed and approved by the Commission; (2) that PWSA must become responsible for the cost of all meter installation in accordance with 52 Pa. Code § 65.7; (3) PWSA is required to introduce a flat rate, at minimum the customer charge for the customer's class, for all unbilled customers in its next base rate case, and, as customers are metered, to immediately bill full usage; and (4) PWSA is required to eliminate the residency requirement.³⁰

Accordingly, it is now evident that several important revenue and expense assumptions that PWSA made in formulating the revenue requests in its base rate cases are diametrically opposed with the outcomes of Commission's Opinion and Order for the Compliance Plan Stage 1 case. In short, twenty (20) days after PWSA elected to make its base rate filings, the universe of facts it operated under have now substantially changed. I&E submits that PWSA either knew or should have known that its base rate filings could be substantially impacted by the Commission's Order. Accordingly, PWSA's filings should be substantially revised to account for the Commission's directives. While I&E is uncertain of PWSA's intentions on whether and how it will respond to the Commission's directives, I&E is certain that the hardships it has described above will be exacerbated. Specifically, I&E's need to investigate PWSA's base rate filings may now also include a need for its expert witnesses to independently uncover, through a vast amount of discovery, the portions of PWSA's filings that assume recovery of impermissible expenses and foregone revenue that must now be recovered. I&E submits that this outcome is inconsistent with the public

³⁰ *Implementation of Chapter 32 of the Public Utility Code Regarding Pittsburgh Water and Sewer Authority Stage 1*, M-2018-2640802 et al., Opinion and Order, p. 179 (Entered March 26, 2020).

interest, and further warrants the grant of I&E's Expedited Motion for an Extension of the Statutory Suspension Period of PWSA's Water and Wastewater Base Rate Proceedings.

5. Due Process and the Public Interest will Be Compromised if PWSA's Filing Cannot be Adequately Investigated by I&E

For purposes of context, the "public interest" that I&E represents in this case includes balancing the needs of ratepayers, utilities, and the regulated community as a whole.³¹

PWSA's unprecedented and complex base rate cases implicate the need to protect the public interest for two reasons. First, consistent with precedent establishing that "utility rate increases of sufficient magnitude involve substantial property rights and therefore protections of due process clause are applicable,"³² depriving I&E of its ability to fully investigate PWSA's filings would constitute a deprivation of due process. To be sure, a key reason for public utility regulation is for protection of public and assurance of adequate service at reasonable rates while providing fair opportunity to utility to secure reasonable rates.³³ Absent I&E's ability to adequately represent the public interest, the Commission's ability to assess PWSA's base rate cases will not be able to fully consider the public interest perspective as it weighs the public protection and reasonable rate with PWSA's opportunity to secure reasonable rates.

The second reason that protection of the public interest must not be compromised in this case is that the coronavirus pandemic is predicted to substantially impact ratepayers financially and with respect to their employment opportunities. The best indication of the

³¹ *Pa. PUC. v. Bell Atlantic-Pennsylvania, Inc.*, Docket Nos. R-00953409, *et al.*, 1995 Pa. PUC LEXIS 193 (Order entered September 29, 1995).

³² *Joseph Horne Co. v. Pa. PUC*, 467 A.2d 1212, 78 Pa. Commw. 566, Commw.1983, reversed on other grounds 485 A.2d 1105, 506 Pa. 475.

³³ *Kirkwood Partnership v. Pa. PUC*, 576 A.2d 1167, 133 Pa. Commw. 478, Commw.1990.

financial hardships that PWSA's ratepayers are expected to face is best summarized in City of Pittsburgh Mayor Bill Peduto's March 19, 2020 letter to representatives of Pennsylvania's General Assembly requesting support for the American Working Family Relief Action Plan, which is herein incorporate as Exhibit B. Specifically, in his letter, Mayor Peduto, on behalf of the City of Pittsburgh, highlighted the seriousness of the coronavirus's financial impact upon City residents:

With the level of disruption to our workforce and economy, the platform, among other measures, calls for emergency funding for safety equipment and mental health support for front-line healthcare workers, direct support professionals and first responders, enhancement of food security programs, review and revision of public benefit and compensation eligibility requirements to support low income, seasonal, contract, and gig workers, and suspension of foreclosures, utility shutoffs, evictions, credit defaults, school loan payments, and other liens for workers who may have been laid off or have reduced hours.³⁴

I&E agrees that Mayor Peduto's concern regarding the financial impact of the coronavirus pandemic upon City residents, who I&E notes largely compromise the customer base within PWSA's service territory, is well-founded. To that end, I&E avers that its mission to protect the public interest in the wake of the uncertain financial consequence of the pandemic upon not only PWSA's ratepayers, but PWSA itself, must not be compromised at this critical time. Instead, by extending the timeline for the statutory suspension period of PWSA's base rate cases in an amount of time commensurate with the Commission's closure,

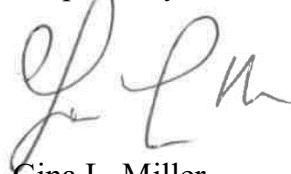
³⁴ Exhibit B.

which is permitted both by the Governor's Emergency Declaration and the Commission's Emergency Order, the Commission can ensure that the public interest is adequately represented in these cases.

IV. CONCLUSION

WHEREFORE, for the reasons stated herein, the Bureau of Investigation and Enforcement respectfully requests that the Commission order the extension of the statutory suspension period arising under 66 Pa. C.S. § 1308(d) for Pittsburgh Water and Sewer's rate cases at Docket Nos. R-2020-3017951 and R-2020-3017970 by a period of time commensurate with the closure of the Commission's offices during the coronavirus pandemic.

Respectfully submitted,



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

John M. Coogan
Prosecutor
Bureau of Investigation and Enforcement
PA Attorney ID No. 313920

Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor West
Harrisburg, Pennsylvania 17120

Dated: March 31, 2020

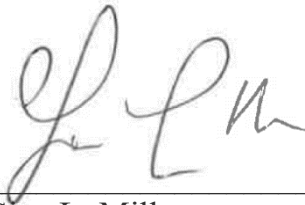
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	
v.	:	Docket Nos. R-2020-3017951
	:	R-2020-3017970
Pittsburgh Water and Sewer Authority –	:	
Base Rates (Water and Wastewater)	:	

VERIFICATION

I, Gina L. Miller, Prosecutor of the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement, hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 31, 2020



Gina L. Miller
Prosecutor
PA Attorney ID No. 313863
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

I&E
Exhibit A



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR

PROCLAMATION OF DISASTER EMERGENCY

March 6, 2020

WHEREAS, a novel coronavirus (now known as “COVID-19”) emerged in Wuhan, China, began infecting humans in December 2019, and has since spread to 89 countries, including the United States; and

WHEREAS, the World Health Organization and the Centers for Disease Control and Prevention (“CDC”) have declared COVID-19 a “public health emergency of international concern,” and the U.S. Department of Health and Human Services (“HHS”) Secretary has declared that COVID-19 creates a public health emergency; and

WHEREAS, the Commonwealth of Pennsylvania (“Commonwealth”) has been working in collaboration with the CDC, HHS, and local health agencies since December 2019 to monitor and plan for the containment and subsequent mitigation of COVID-19; and

WHEREAS, on February 1, 2020, the Commonwealth’s Department of Health activated its Department Operations Center at the Pennsylvania Emergency Management Agency’s headquarters to conduct public health and medical coordination for COVID-19 throughout the Commonwealth; and

WHEREAS, on March 4, 2020, the Director of the Pennsylvania Emergency Management Agency ordered the activation of its Commonwealth Response Coordination Center in support of the Department of Health’s Department Operations Center, to maintain situational awareness and coordinate the response to any potential COVID-19 impacts across the Commonwealth; and

WHEREAS, as of March 6, 2020, there are 233 confirmed and/or presumed positive cases of COVID-19 in the United States, including 2 presumed positive cases in the Commonwealth; and

WHEREAS, while it is anticipated that a high percentage of those affected by COVID-19 will experience mild influenza-like symptoms, COVID-19 is a disease capable of causing severe symptoms or loss of life, particularly to older populations and those individuals with pre-existing conditions; and

WHEREAS, it is critical to prepare for and respond to suspected or confirmed cases in the Commonwealth and to implement measures to mitigate the spread of COVID-19; and

WHEREAS, with 2 presumed positive cases in the Commonwealth as of March 6, 2020, the possible increased threat from COVID-19 constitutes a threat of imminent disaster to the health of the citizens of the Commonwealth; and

WHEREAS, this threat of imminent disaster and emergency has the potential to cause significant adverse impacts upon the population throughout the Commonwealth; and

WHEREAS, this threat of imminent disaster and emergency has already caused schools to close, and will likely prompt additional local measures, including affected county and municipal governments to declare local disaster emergencies because of COVID-19; and

WHEREAS, this threat of imminent disaster and emergency situation throughout the Commonwealth is of such magnitude and severity as to render essential the Commonwealth's supplementation of emergency resources and mutual aid to the county and municipal governments of this Commonwealth and to require the activation of all applicable state, county, and municipal emergency response plans.

NOW THEREFORE, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code, 35 Pa. C.S. § 7101, et seq., I do hereby proclaim the existence of a disaster emergency throughout the Commonwealth.

FURTHER, I hereby authorize the Pennsylvania Emergency Management Agency Director or his designee, to assume command and control of all statewide emergency operations and authorize and direct that all Commonwealth departments and agencies utilize all available resources and personnel as is deemed necessary to cope with this emergency situation.

FURTHER, I hereby transfer up to \$5,000,000 in unused appropriated funds to the Pennsylvania Emergency Management Agency for Emergency Management Assistance Compact expenses related to this emergency, to be decreased as conditions require, pursuant to the provisions of section 7604(a) of the Emergency Management Services Code, 35 Pa. C.S. § 7604(a). In addition, I hereby transfer up to \$20,000,000 in unused appropriated funds, to be decreased as conditions require, to the Pennsylvania Emergency Management Agency pursuant to section 1508 of the Act of April 9, 1929 (P.L.343, No. 176) (the Fiscal Code), 72 P.S. § 1508. The aforementioned funds shall be used for expenses authorized and incurred related to this emergency. These funds shall be credited to a special account established by the Office of the Budget. I hereby direct that any funds transferred herein that remain unused after all costs related to this emergency have been satisfied shall be returned to the General Fund.

FURTHER, All Commonwealth agencies purchasing supplies or services in response to this emergency are authorized to utilize emergency procurement procedures set forth in Section 516 of the Commonwealth Procurement Code, 62 Pa. C.S. § 516. This Proclamation shall serve as the written determination of the basis for the emergency under Section 516.

FURTHER, I hereby suspend the provisions of any regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder, or delay necessary action in coping with this emergency. Commonwealth agencies may implement emergency assignments without regard to procedures required by other laws, except mandatory constitutional requirements, pertaining to performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and expenditures of public funds.

FURTHER, pursuant to the powers vested in me by the Constitution and laws of the Commonwealth pursuant to 51 Pa. C.S. § 508, I hereby authorize the Adjutant General of Pennsylvania to place on state active duty for the duration of the emergency disaster proclamation, such individuals and units of the Pennsylvania National Guard, for missions designated by the Pennsylvania Emergency Management Agency, as are needed to address the consequences of the aforementioned emergency.

FURTHER, I authorize the Commissioner of the Pennsylvania State Police to use all available resources and personnel in whatever manner he deems necessary during this emergency to assist the actions of the Pennsylvania Emergency Management Agency in addressing the consequences of the emergency.

FURTHER, I hereby authorize the Secretary of the Pennsylvania Department of Health, in her sole discretion, to suspend or waive any provision of law or regulation which the Pennsylvania Department of Health is authorized by law to administer or enforce, for such length of time as may be necessary to respond to this emergency.

FURTHER, I hereby authorize the Secretary of the Pennsylvania Department of Education, in his sole discretion, to suspend or waive any provision of law or regulation which the Pennsylvania Department of Education is authorized by law to administer or enforce, for such length of time as may be necessary to respond to this emergency.

FURTHER, if investigations made on my behalf determine that the Commonwealth needs greater flexibility in the application of state and federal motor carrier regulations to accommodate truck drivers involved in emergency activities during this emergency, I hereby direct the Commonwealth Department of Transportation to waive or suspend any laws or federal or state regulations related to the drivers of commercial vehicles.

FURTHER, I hereby direct that the applicable emergency response and recovery plans of the Commonwealth, counties, municipalities and other entities be activated as necessary and that actions taken to implement those plans be coordinated through the Pennsylvania Emergency Management Agency.

STILL FURTHER, I hereby urge the governing bodies and executive officers of all political subdivisions affected by this emergency to act as necessary to meet the current exigencies as legally authorized under this Proclamation, namely, by the employment of temporary workers, by the rental of equipment, and by entering into such contracts and agreements as may be required to meet the emergency, all without regard to those time consuming procedures and formalities normally prescribed by law, mandatory constitutional requirement excepted.



GIVEN under my hand and the Seal of the Governor, at the City of Harrisburg, this sixth day of March in the year of our Lord two thousand twenty, and of the Commonwealth the two hundred and forty fourth.

Tom Wolf
TOM WOLF
Governor

I&E
Exhibit B



CITY OF PITTSBURGH
OFFICE OF THE MAYOR
MAYOR WILLIAM PEDUTO

March 19, 2020

The Honorable Joseph B. Scarnati III
President Pro Tempore, Pennsylvania State Senate
292 Main Capitol
Harrisburg, PA 17120

The Honorable Michael C. Turzai
Speaker, Pennsylvania House of Representatives
139 Main Capitol
Harrisburg, PA 17120-2028

Dear President Pro Tempore Scarnati and Speaker Turzai,

On behalf of the City of Pittsburgh, I write to you today to support the American Working Family Relief Action Plan. As a package of policies and legislation, the proposed action would provide vitally needed support for our working families and most vulnerable populations in the wake of the COVID-19 outbreak. This platform has support from over forty organizations representing over one million workers across the state of Pennsylvania. The Pennsylvania Senate Democratic Caucus has also already endorsed the platform. We are facing a public health crisis of an unprecedented scale in modern history and we must come together to expand healthcare access, protect front-line workers and communities, provide economic relief for working families, and protect our values, safety, and voices.

The American Working Family Relief Action Plan recognizes that in times of crisis, our working families and most vulnerable populations are disproportionately harmed. With the level of disruption to our workforce and economy, the platform, among other measures, calls for emergency funding for safety equipment and mental health support for front-line healthcare workers, direct support professionals and first responders, enhancement of food security programs, review and revision of public benefit and compensation eligibility requirements to support low-income, seasonal, contract, and gig workers, and suspension of foreclosures, utility shutoffs, evictions, credit defaults, school loan payments, and other liens for workers who may have been laid off or have reduced hours.

With the outbreak of COVID-19, we find ourselves in extraordinary times. These times demand collaboration and bold action from government to support the people they serve. I appreciate your consideration of this letter. Please contact Lindsay Powell (lindsay.powell@pittsburghpa.gov) in my Office with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "W Peduto". The signature is stylized and cursive.

William Peduto
Mayor of Pittsburgh

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :
 :
 v. : Docket No. R-2020-3017970 (Wastewater)
 :
 Pittsburgh Water and Sewer Authority :

CERTIFICATE OF SERVICE

I hereby certify that I am serving the foregoing **Motion** dated March 31, 2020 in the manner and upon the persons listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party):

Served via Electronic Mail Only

Deanne M. O'Dell, Esq.
Daniel Clearfield, Esq.
Eckert Seamans Cherin & Mellott LLC
dodell@eckertseamans.com
dclearfield@eckertseamans.com
Counsel for PWSA

Christine Maloni Hoover, Esq.
Erin L. Gannon, Esq.
Lauren E. Guerra, Esq.
Office of Consumer Advocate
choover@paoca.org
egannon@paoca.org
lguerra@paoca.org

Sharon Webb, Esq.
Erin K. Fure, Esq.
Daniel G. Asmus, Esq.
Office of Small Business Advocate
swebb@pa.gov
efure@pa.gov
dasmus@pa.gov

Elizabeth R. Marx, Esq.
John W. Sweet, Esq.
Ria Pereira
The Pennsylvania Law Utility Project
pulp@palegalaid.net
Counsel for Pittsburgh UNITED

Michael A. Gruin, Esq.
Stevens & Lee
mag@stevenslee.com
Counsel for PAWC

Dimple Chaudhary, Esq.
Peter J. DeMarco, Esq.
Cecilia Segal, Esq.
Natural Resources Defense Council
dchaudhary@nrdc.org
pdemarco@nrdc.org
csegal@nrdc.org



Gina L. Miller
Prosecutor
PA Attorney ID No. 313863