



April 10, 2020

VIA EFILE

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

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

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

Dear Secretary Chiavetta,

Please find the attached **Petition for Reconsideration and Clarification of Pittsburgh UNITED of the Final Order Entered March 26, 2020** for filing in the above noted consolidated proceedings. Copies have been served consistent with the attached Certificate of Service.

Please do not hesitate to contact me with any questions or concerns.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Elizabeth R. Marx".

Elizabeth R. Marx
Co-Counsel for Pittsburgh UNITED
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CC: Certificate of Service
Office of Special Assistants – ra-OSA@pa.gov (Word and PDF Version)

Enc.

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Implementation of Chapter 32 of the	:	Docket No.	M-2018-2640802
Public Utility Code Re Pittsburgh	:		M-2018-2640803
Water and Sewer Authority	:		
Petition of the Pittsburgh Water and Sewer	:	Docket No.	P-2018-3005037
Authority for Approval of Its Long-Term	:		P-2018-3005039
Infrastructure Improvement Plan	:		

Certificate of Service

I hereby certify that I have this day served copies of the **Petition for Reconsideration and Clarification of Pittsburgh UNITED** in the above-captioned proceeding in the manner and upon the persons listed below, in accordance with the requirements of 52 Pa. Code § 1.54 and as modified by the Commission's Emergency Order regarding the Suspension of Regulatory and Statutory Deadlines and Modification to Filing and Service Requirements at Docket No. M-2020-3019262.

VIA EMAIL

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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Authority for Approval of Its Long-Term	:		P-2018-3005039
Infrastructure Improvement Plan	:		

**PETITION FOR RECONSIDERATION AND CLARIFICATION OF PITTSBURGH
UNITED OF THE FINAL ORDER ENTERED MARCH 26, 2020**

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Pursuant to the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (Commission), 52 Pa. Code §§ 5.41 and 5.572, Pittsburgh UNITED, through its counsel at the Pennsylvania Utility Law Project and the Natural Resources Defense Council, hereby petitions the Commission for reconsideration and clarification of its March 26, 2020 Opinion and Order (Order) regarding the Pittsburgh Water and Sewer Authority's (PWSA) Compliance Plan and Long-Term Infrastructure Improvement Plan.

First, Pittsburgh UNITED asks the Commission to reconsider the settlement modification set forth in the Order requiring PWSA to terminate service at any residential property where the owner has not authorized PWSA to replace their private-side lead service line. Prior to termination, the Commission should require PWSA to engage in robust outreach and education measures to secure customer consent to private-side lead service line replacements – ensuring that property owners receive actual notice and have ample opportunity to accept the free replacement. If PWSA cannot obtain consent, and has provided actual and robust notice, PWSA should be required to follow all legally mandated, non-emergency termination procedures before shutting off water service at these homes – and well in advance of line replacement activities.

Tenants should be granted special protection, as it would be unfair for them to lose water service because their landlord did not receive, ignored, or refused PWSA's replacement offer. To that end, tenants should be afforded all rights available to them under the Public Utility Code and matched with social and legal services programs to assist in preserving their rights to a habitable home. Pittsburgh UNITED also asks the Commission to eliminate the requirement that PWSA terminate service at homes where it performs a partial lead service line replacement under emergency circumstances, as property owners will not have an appropriate opportunity to opt in to the program before service is terminated.

Second, Pittsburgh UNITED seeks reconsideration and clarification of aspects of the Commission's Order regarding PWSA's income-based reimbursement program. Before PWSA implements this program, it should be required to fulfill its commitment to revise the program's terms so that participating customers need not pay the full cost of a lead service line replacement up front. Pittsburgh UNITED also requests that the Commission direct PWSA to include a report on the income-based reimbursement program in PWSA's March 2021 lead service line replacement plan regardless of whether PWSA intends to continue the program beyond that date.

I. BACKGROUND

1. On March 26, 2020, the Commission issued an Opinion and Order adopting and modifying the parties' Partial Settlement and granting in part and denying in part the parties' Exceptions to the Recommended Decision of Chief Administrative Law Judge Hoyer and Administrative Law Judge Johnson.

2. This Petition for Reconsideration and Clarification addresses two aspects of the Order: the Commission's modification to the Partial Settlement requiring PWSA to terminate service at certain residential properties where it conducts a partial lead service line replacement and the Commission's approval of PWSA's income-based reimbursement program.

3. Before PWSA replaces a public-side service line at a residential property, it must offer to replace the home's private-side lead service line for free.¹ The Partial Settlement specifies the minimum steps that PWSA must take to try to obtain customers' acceptance of this offer: at least one phone call and one in-person visit, and oftentimes an attempt by mail.² If the customer refuses, PWSA may perform a partial lead service line replacement, which creates

¹ Partial Settlement ¶ III.VV.1.a.i.

² Id. ¶ III.VV.1.b.ii, iv.

heightened risks of lead exposure for residents.³ After the partial replacement, PWSA must provide the resident with water filters and replacement cartridges to help mitigate these risks.⁴

4. The Commission modified the Partial Settlement to add Paragraph III.VV.1.b.vi.⁵ Pursuant to this term, following a partial replacement, PWSA “will not permit the re-connection of the private-side lead service line to the newly installed public-side service line.”⁶ PWSA must also “begin the process to terminate [water] service to the residence with prior notice.”⁷ PWSA may only reconnect customers if they certify that their private-side lead service line has been removed.⁸

5. The Commission’s Order also denies the Exceptions of Pittsburgh UNITED, the Bureau of Investigation and Enforcement (I&E), and the Office of Consumer Advocate (OCA) regarding PWSA’s income-based reimbursement program.⁹ Those Exceptions raised concerns with the accessibility of the program for low income consumers.¹⁰ Most importantly, under the program’s current design, customers must first pay thousands of dollars to replace their lead service lines before they can seek reimbursement from PWSA.¹¹ Many low income residents cannot afford this expense and thus will be excluded from the program.¹² The Order states that, “to alleviate certain concerns raised in this proceeding, the PWSA has committed to implement its income-based reimbursement policy by working directly with the customers’ contractors to reimburse the contractor directly for the work, which will eliminate the need for customers to

³ Id. ¶ III.VV.1.b.ii-iv; Order at 116-17. PWSA may not perform a partial lead service line replacement, however, if the replacement is conducted via PWSA’s neighborhood-based replacement program and the property owner who refuses the private-side lead service line replacement does not also reside at the property. See id. ¶ III.VV.1.b.iii.

⁴ Partial Settlement ¶ III.TT.3.

⁵ The Commission also modified the Partial Settlement to add Paragraph III.VV.1.b.v. Order at 125.

⁶ Id.

⁷ Id.

⁸ Id.

⁹ Id. at 158-61.

¹⁰ See id. at 143-46, 149-53, 156-57.

¹¹ See id. at 144-45.

¹² Id.

cover the cost of replacements upfront and await reimbursement.”¹³ Although the Commission denied the Exceptions, it required PWSA “to address the effectiveness of the income-based reimbursement program” in PWSA’s March 2021 lead service line replacement plan if PWSA proposed “to continue [the program] without modification.”¹⁴

II. LEGAL STANDARD

6. The standard for granting reconsideration of a Commission order is articulated in Duick v. Pennsylvania Gas and Water Company, 56 Pa. P.U.C. 553 (1982), in which the Commission explained the basis for rescinding or amending a prior order:

A petition for reconsideration, under the provisions of 66 Pa. C.S. § 703(f), may properly raise any matters designed to convince the Commission that it should exercise its discretion under this code section to rescind or amend a prior order in whole or in part. . . . What we expect to see raised in such petitions are new and novel arguments, not previously heard, or considerations which appear to have been overlooked or not addressed by the Commission.¹⁵

III. REQUEST FOR RECONSIDERATION AND CLARIFICATION

7. Pittsburgh UNITED seeks reconsideration and clarification of the Commission’s settlement modification regarding service terminations for partial lead service line replacements and its approval of PWSA’s income-based reimbursement program. This Petition raises new and novel arguments regarding matters that the parties have not yet had the opportunity to brief – namely, the settlement modification and the reporting requirement for the income-based reimbursement program. This Petition also seeks clarification on a point that the Commission appears to have overlooked, but which is essential to effectuate the Commission’s Order: whether PWSA may commence the income-based reimbursement program without first

¹³ Id. at 160.

¹⁴ Id. at 161; see also Partial Settlement ¶ III.QQ.2.b.

¹⁵ Duick, 56 Pa. P.U.C. at 559.

changing its terms so that PWSA pays contractors directly, rather than requiring up-front payment by the customer in order to participate in the program.

A. Termination of water service for partial lead service line replacements

i. The Commission should direct PWSA to use robust outreach procedures to secure property owner consent for lead service line replacements, including providing actual and verified notice to property owners ahead of service termination.

8. The Commission properly concluded that partial lead service line replacements are dangerous to residents' health because they may result in immediate spikes in water lead levels.¹⁶ And when a lead line remains in the ground as a result of an owner's refusal to replace the line, current and future residents continue to face a risk of lead exposure.¹⁷

9. But water service termination is also a severe consequence that can have far-ranging impacts – particularly on low income and other marginalized communities. Pittsburgh UNITED expert Mitchell Miller, former Director of the Bureau of Consumer Services, testified that termination is harmful to public health and welfare.¹⁸ It jeopardizes individuals' everyday lives, including their ability to access clean drinking water, bathe, and cook, and is particularly dangerous for children, seniors, and individuals with medical needs, who are more susceptible to the spread of illness.¹⁹ As recognized by the Commission, the risks from water shut offs have recently increased with the onset of the COVID-19 pandemic, which further highlights the critical role access to water plays in protecting public health.²⁰

¹⁶ Order at 116-17.

¹⁷ Id.; see also Pittsburgh UNITED St. C-3, at 21.

¹⁸ Pittsburgh UNITED St. 2, at 17 (rate case testimony incorporated by reference at Pittsburgh UNITED St. C-1, at 9 & nn.5-6).

¹⁹ Id.

²⁰ PUC, Public Utility Service Termination Moratorium – Proclamation of Disaster Emergency – COVID-19, Dkt. No. M-2020-3019244 (emergency order issued Mar. 13, 2020).

10. Despite these risks, Pittsburgh UNITED agrees that, for property owners who refuse PWSA’s offer of a free private-side lead service line replacement, the threat of service termination – and of having to pay for a replacement to reconnect to the system – is appropriate, as the Commission concluded. But this is only true so long as these property owners are given the advance, actual and verifiable notice and detailed information necessary for them to make an informed choice. Special consideration must also be given to the unique vulnerability of tenants and other non-owner occupants who do not have the legal authority to accept a line replacement.

11. The Partial Settlement’s existing requirements for soliciting property owner consent for lead service line replacements reflect the necessity of developing robust outreach and education measures. These requirements – which commit PWSA to making at least one attempt to contact the owner by mail, one attempt by telephone, and one attempt in person²¹ – have yielded a high consent rate among owners.²²

12. But the threat of water shut offs raises the stakes. Even more “aggressive and extensive community outreach” will be “necessary to ensure that as many property owners as possible consent to private-side replacements” and, thus, avoid service termination.²³ As it stands though, it is unclear from the Commission’s Order whether the termination process PWSA will use clears this bar – especially for those property owners who do not reside at their properties and may have tenants.

13. PWSA must ensure that property owners are aware of its replacement offer, understand the gravity of a decision to refuse a replacement, and have sufficient time to change

²¹ Partial Settlement ¶ III.VV.1.b.ii.

²² Pittsburgh UNITED Statement in Support of Partial Settlement, at 16.

²³ Pittsburgh UNITED St. C-3SR, at 6; see also Pittsburgh UNITED St. C-3, at 23 (“The burden is on PWSA to avoid partial replacements, particularly at tenant-occupied residences, by encouraging as many property owners as possible to consent to private-side replacements.”).

their minds and opt back into the lead service line replacement program before termination. To that end, PWSA first must confirm that property owners receive actual and verifiable notice of the termination, such as by sending notice and detailed information about the replacement and potential water shut off by certified mail, requiring the signature of the recipient, to those property owners who do not respond to PWSA's initial letters.

14. Special consideration and outreach should also be provided to non-owner occupants. Landlords may be more difficult to contact and less concerned with the safety of a tenant's drinking water. It would be unfair for a tenant to lose water service and potentially be displaced because their landlord did not receive, ignored, or refused PWSA's offer of a free replacement. Other individuals may have a "tangled title" that does not provide them with sufficient legal authority to consent to a line replacement. PWSA's outreach should include, at the very least, efforts to connect the non-owner occupants with local social and legal service providers to ensure that these residents are able to fully exercise their rights to a habitable home. Importantly, these outreach and notice activities should all occur well in advance of commencing line replacement activities to ensure that there is ample time for tenants to exercise their rights and for property owners to voluntarily opt in to the program before service is terminated.

15. Sometimes, it may not be possible for PWSA to provide actual notice to the owner of a property, even after PWSA uses the robust outreach measures and termination procedures discussed in this Petition. For instance, at homes with a tangled title or other technical property issues preventing the occupants from exercising ownership rights, it may not be clear who the property owner is. For homes where PWSA is unable to provide actual notice to

the property owner and the residents otherwise lack the authority to consent to a lead service line replacement, PWSA should not terminate service following a partial replacement.²⁴

16. PWSA, moreover, should consider additional opportunities for in-person outreach. As it has in the past, PWSA could host town hall meetings and other community events. It could send canvassers to unresponsive households (or partner with local community groups or other concerned public agencies to do so), with the goal of making at least two in-person attempts, preferably once over a weekend and once on a weeknight, to obtain consent. PWSA should also require written acknowledgement of a customer's refusal at owner-occupied properties, as it does for the neighborhood-based replacement program.

17. The parties should have an opportunity to discuss these and other outreach measures PWSA will take to secure property owner consent for lead service line replacements at owner-occupied and tenant-occupied homes. Accordingly, the Commission should direct the parties to confer on this issue within 30 days of the Commission's Order on this Petition. Within 60 days of the Commission's decision, PWSA should submit a compliance filing describing the additional outreach efforts PWSA will make before performing a partial replacement or terminating service.

ii. The Commission should direct PWSA to follow non-emergency procedures before terminating service.

18. If PWSA's aggressive outreach measures fail to secure property owner consent for a private-side lead service line replacement, PWSA should initiate non-emergency termination procedures as set out at Chapters 14 and 15 of the Public Utility Code and in the Commission's regulations at 52 Pa. Code §§ 56.91-.97, 56.99-.100. Importantly, the rights of

²⁴ Pittsburgh UNITED recognizes that abandoned properties present unique challenges for providing notice. The parties should address the procedures for outreach and termination at abandoned properties during the conferral process described below.

tenants pursuant to Chapter 15, subchapter B should be closely followed and should apply to any termination of service to a non-owner-occupied property. PWSA should complete these procedures before shutting off water to the residence – and well in advance of commencing the service line replacement work.

19. As written, the Commission’s Order is unclear as to whether emergency or non-emergency termination procedures will apply when property owners refuse a private-side lead service line replacement. In its Order, the Commission first states that “termination of service with prior notice” is appropriate for customers who refuse PWSA’s offer of a private-side lead service line replacement.²⁵ But then, in the text of the modification, the Order indicates that, once PWSA completes a partial replacement, it “will not permit the re-connection of the private-side” lead service line and “will begin the process to terminate service to the residence with prior notice in accordance with PWSA’s tariff.”²⁶ Although the Order references “prior notice,” it nonetheless suggests that notice would be given after the partial replacement and water service shut off had occurred. Moreover, the Commission’s Order could be read to allow PWSA to follow the emergency termination procedures in section 56.98 of the Commission’s regulations, which are reflected in PWSA’s tariff and allow for the immediate termination of service for violation of PWSA’s tariff rules.²⁷

20. The Commission should therefore clarify that PWSA must follow non-emergency termination procedures before shutting off water service when a property owner has refused a free private-side lead service line replacement.

²⁵ Order at 122 (emphasis added).

²⁶ Id. at 125.

²⁷ Id.; see also PWSA Tariff at Sec. C, Rule 3, pp. 44-45; 52 Pa. Code § 56.98.

21. Advance notice of water service termination is critical in view of the serious consequences stemming from termination, discussed above. Non-emergency termination procedures under Pennsylvania law require utilities to provide written notice of termination to customers at least 10 days ahead of time and make personal contact to provide additional notice both 3 days in advance of and immediately prior to termination.²⁸ Landlords and tenants must receive 37 days' and 30 days' notice, respectively.²⁹ These detailed procedures should not be abrogated when a property owner refuses a private-side lead service line replacement. Thus, at a minimum, the Commission should clarify that all residential termination processes and procedures apply when PWSA initiates service termination in response to a property owner's refusal of a non-emergency private-side lead service line replacement. Moreover, if PWSA has initiated termination at a property it believed to be owner occupied but later learns that the property is tenant occupied, PWSA should immediately initiate the notice procedure required under Chapter 15, subchapter B and make additional efforts to connect the tenant to appropriate social and legal services to ensure that the tenant has the resources protect their right to a habitable home, as discussed above.

22. The timing of the termination itself is also important. PWSA should begin the termination process early enough that water service shut off would occur well in advance of the projected replacement date. Doing so would spur responses from owners who might otherwise ignore PWSA's notices while also giving the owners enough time to opt in to the replacement program. That, in turn, would allow PWSA to incorporate the property into the scheduled replacements for that block, ensuring that the replacement is done in an efficient and cost-

²⁸ See 52 Pa. Code §§ 56.91, 56.93-.95; see also PWSA Tariff at Sec. C, Rule 3, pp. 44-45; Pittsburgh UNITED St. C-1, at 11.

²⁹ See PWSA Tariff at Sec. C, Rule 3.j.ii-iii.

effective way and that water service at the property is promptly restored. Indeed, termination only provides the intended leverage over a property owner if the owner has a chance to change course and accept the free replacement upon realizing the consequences of their inaction. Otherwise, termination simply acts as a punitive measure against the owner, causing harm to both them and any occupants at the property.

23. To further work through the details of the notice and outreach efforts that PWSA will employ, the Commission should allow 30 days for the parties to confer, and PWSA should submit a proposal on the appropriate timing for initiating termination in the compliance filing within 60 days of the Commission's Order on this Petition.³⁰

iii. The Commission should not require PWSA to terminate service at properties where PWSA performs a partial replacement under emergency circumstances.

24. The parties' settlement authorizes PWSA to perform a partial replacement when the utility replaces "a public-side service line as a result of an emergency circumstance (e.g., water main leak, broken curb stop, or damage to other infrastructure requiring a public-side service line replacement), and PWSA is unable to obtain consent to replace the private-side lead service line from the property owner."³¹ The Commission's modification to the Partial Settlement would require PWSA to terminate water service at those properties, as well.

25. Termination under these circumstances is unfair to the customer. For instance, PWSA might not be able to obtain the property owner's consent for a private-side lead service line replacement simply because PWSA could not reach the property owner during the short window between PWSA's discovery of the emergency and its performance of the partial

³⁰ Stage 2 of the Compliance Plan proceedings will address other issues related to termination of service, including PWSA's process for identifying and terminating service at tenant-occupied properties. Consequently, the Commission's final order in the Stage 2 proceedings might further modify PWSA's practices for terminating service following a property owner's refusal of a lead service line replacement.

³¹ Partial Settlement ¶ III.VV.1.b.iv.

replacement. Even a property owner who receives notice that PWSA is going to terminate their water service if they do not accept a private-side lead service line replacement might not have time to understand the terms of PWSA's offer or the consequences of refusal.

26. For these reasons, Pittsburgh UNITED requests that the Commission eliminate the requirement that PWSA terminate service at a residence that receives a partial replacement under emergency circumstances.

B. Income-based reimbursement program

i. The Commission should clarify that PWSA cannot implement the income-based reimbursement program unless PWSA pays contractors directly.

27. PWSA proposed an income-based reimbursement program through which residential customers who pay contractors to replace their private-side lead service lines can apply to PWSA for reimbursement for all or part of the expense.³² Replacing a lead service line costs several thousand dollars.³³ Pittsburgh UNITED, I&E, and OCA raised concerns that low income customers who could not afford to pay thousands of dollars up front for a lead service line replacement would be unfairly excluded from PWSA's program.³⁴

28. The Commission found that PWSA responded to these concerns by "commit[ing] to implement its income-based reimbursement policy by working directly with the customers' contractors to reimburse the contractor directly for the work, which will eliminate the need for customers to cover the cost of replacements upfront and await reimbursement."³⁵ But, while PWSA indicated that it is "willing to work with third parties so that PWSA would pay the

³² Order at 141-42.

³³ See *id.* at 144.

³⁴ *Id.* at 144-45.

³⁵ *Id.* at 160; see also Order App. A ¶ I.4.

customer's contractor (usually a plumber) directly,"³⁶ PWSA Executive Director Robert Weimar testified that the utility still faces "certain legal and operational hurdles" to implementing this change.³⁷

29. Pittsburgh UNITED asks the Commission to clarify that PWSA is not permitted to implement the income-based reimbursement program unless it modifies the program so that PWSA pays contractors directly for its share of replacement costs. If PWSA is unable to resolve the legal and operational hurdles described by Mr. Weimar, it should not be allowed to proceed with the program, which unfairly excludes low income customers.

ii. The Commission should require PWSA to report on the income-based reimbursement program in PWSA's March 2021 lead service line replacement plan.

30. The Commission's Order requires PWSA "to address the effectiveness of the income-based reimbursement program" in PWSA's March 2021 lead service line replacement plan if PWSA proposes "to continue [the program] without modification."³⁸ The Commission described PWSA's reporting obligation as follows:

Such information should assess the net benefits of the income-based reimbursement program, such as the total number of residential customers that have elected to participate to date, the percentage of participants that have qualified for each tier of reimbursement under the income-based program, detailed analysis of cost savings to date along with an updated projection of total cost savings, and details about the program's design and implementation, customer eligibility and enrollment criteria, and administrative and program budgets.³⁹

31. Pittsburgh UNITED supports this reporting requirement. It will enable the Community Lead Response Advisory Committee, the public, and potentially the Commission to

³⁶ PWSA Main Br. at 63.

³⁷ PWSA St. No. C-1RJ, at 11.

³⁸ Order at 161.

³⁹ Id.

evaluate the performance of PWSA's income-based reimbursement program and the wisdom of continuing that program.

32. Pittsburgh UNITED requests, however, that the Commission direct PWSA to include an assessment of the income-based reimbursement program in PWSA's March 2021 plan regardless of whether PWSA proposes "to continue [the] program without modification." An analysis of the income-based reimbursement program should inform PWSA's lead service line replacement plans even if PWSA intends to modify or discontinue the program. Providing this analysis to the Community Lead Response Advisory Committee will enable the committee to fulfill its consultative role under the Partial Settlement and ensure that PWSA's decision regarding the fate of the income-based reimbursement program will be guided by the committee members' expertise.⁴⁰ It will also promote transparency, accountability, and public trust regarding an important and controversial aspect of PWSA's lead remediation programming.⁴¹

WHEREFORE, and for the reasons enumerated above, Pittsburgh UNITED respectfully requests that the Commission reconsider and clarify its March 26, 2020 Opinion and Order as follows:

33. The Commission should require PWSA to use non-emergency termination procedures before shutting off water service when a property owner refuses PWSA's offer of a free private-side lead service line replacement.

34. The Commission should direct the parties to confer, within 30 days of a decision by the Commission on this Petition, regarding:

⁴⁰ See Partial Settlement ¶ III.WW.4.

⁴¹ See Pittsburgh UNITED St. C-3, at 27-28.

a. A robust outreach and education plan outlining the additional steps PWSA will take to obtain property owner consent to free private-side lead service line replacements; and

b. The timing of termination procedures in advance of a partial lead service line replacement.

35. The Commission should direct PWSA to submit a compliance filing to the Commission within 60 days of the Commission's Order on this Petition detailing the plans and procedures described in the previous paragraph. The filing should propose revisions to PWSA's Compliance Plan and Tariff as appropriate. Interested parties should be permitted to submit exceptions to PWSA's filing.

36. The Commission should prohibit PWSA from terminating service at properties where PWSA is unable to provide actual notice to the property owner that PWSA is offering a free replacement and that refusal will result in termination of service.

37. With respect to residences where PWSA performs a partial replacement as the result of an emergency circumstance, as defined in Partial Settlement Paragraph III.VV.1.b.iv, the Commission should exclude these residences from Partial Settlement Paragraph III.VV.1.b.vi and thereby eliminate the requirement that PWSA terminate water service at these homes.

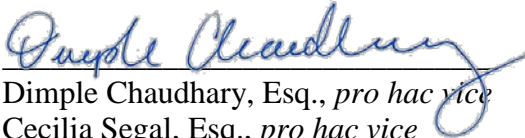
38. With respect to PWSA's income-based reimbursement program, Pittsburgh UNITED asks the Commission to:

a. Require PWSA, before implementing the income-based reimbursement program, to adjust the program's terms so that customers can participate without paying up front for the replacement of their lead service line; and

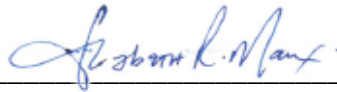
b. Require PWSA to include a report on the income-based reimbursement program in PWSA's March 2021 lead service line replacement plan, regardless of whether PWSA intends to continue the program without modification.

Respectfully submitted,

Counsel for Pittsburgh UNITED



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Verification

I, **Jennifer Rafanan Kennedy**, Executive Director of Pittsburgh UNITED, hereby state that the facts contained in the foregoing pleading are true and correct to the best of my knowledge, information and belief, that I am duly authorized to make this Verification, 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 10 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).



Date: April 10, 2020

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