



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

BUREAU OF  
INVESTIGATION  
&  
ENFORCEMENT

April 20, 2020

**Via Electronic Filing**

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

Re: Implementation of Chapter 32 of the Public Utility Code Regarding Pittsburgh  
Water and Sewer Authority – Stage 1  
Docket Nos. M-2018-2640802 & M-2018-2640803

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

**I&E Answer in Opposition to the Pittsburgh Water and Sewer Authority's  
Petition for Reconsideration of Certain Portions for the Commission's  
March 26, 2020 Order**

Dear Secretary Chiavetta:

Enclosed please find the Bureau of Investigation and Enforcement's (I&E) **Answer to  
PWSA's Petition for Reconsideration** 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 well as the City of Pittsburgh, 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](mailto:ginmiller@pa.gov)

GLM/jfm  
Enclosures

cc: Hon. Mark A. Hoyer (*OALJ – PUC Pittsburgh, via email only*)  
Hon. Conrad A. Johnson (*OALJ – PUC Pittsburgh, via email only*)  
Per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Implementation of Chapter 32 of the Public	:	M-2018-2640802
Utility Code Regarding Pittsburgh Water and	:	M-2018-2640803
Sewer Authority – Stage 1	:	

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

**ANSWER OF THE  
BUREAU OF INVESTIGATION AND ENFORCEMENT  
IN OPPOSITION TO THE  
PITTSBURGH WATER AND SEWER AUTHORITY’S  
PETITION FOR RECONSIDERATION OF CERTAIN PORTIONS  
OF THE COMMISSION’S MARCH 26, 2020 ORDER**

TO THE HONORABLE COMMISSION:

**I. INTRODUCTION**

Pursuant to 52 Pa. Code § 5.572(e), the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”) hereby submits its Answer in opposition to certain portions of the Petition for Reconsideration (“Petition”) of the Commission’s March 26, 2020 Order and Opinion (“Final Order”)<sup>1</sup> in the above-captioned proceeding filed by the Pittsburgh Water and Sewer Authority (“PWSA”) on April 10, 2020. In its Final Order, the Commission approved, with slight modification, the Joint Petition for Partial Settlement filed by PWSA, I&E, the Office of Consumer Advocate, the Office of

---

<sup>1</sup> *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, (Entered March 26, 2020).

Small Business Advocate, Pittsburgh UNITED (“UNITED”) and Pennsylvania-American Water Company on September 19, 2019.<sup>2</sup>

Additionally, with respect to the remaining issues reserved for litigation, the Commission ordered that within thirty (30) days of the entry date of its Final Order, PWSA must revise its Compliance Plan consistent with the outcome of the litigated issues in the proceeding, specifically as follows: (1) that the 1995 Cooperation Agreement be terminated, and business transactions conducted with the City of Pittsburgh (“City”) be required to occur on a transactional basis until a new Cooperation Agreement is reviewed and approved by the Commission; (2) that the Compliance Plan be revised to require the Pittsburgh Water and Sewer Authority to become responsible for the cost of all meter installation in accordance with 52 Pa. Code § 65.7; (3) that the Compliance Plan be revised to require the Pittsburgh Water and Sewer Authority 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; (4) that the Compliance Plan be revised to eliminate the residency requirement; and (5) that the Compliance Plan be revised to include a single document, similar to the **Appendix A** of the Final Order, setting forth the entirety of PWSA’s lead infrastructure plan, as approved in and consistent with the Final Order.<sup>3</sup> I&E notes that the litigation outcomes in issues 1 through 4 identified above represented the Commission’s adoption of its positions.

---

<sup>2</sup> Final Order at 177-178.

<sup>3</sup> Final Order, pp. 179-180.

Additionally, consistent with I&E's litigation position, the Commission determined that its regulations 52 Pa. Code §§ 65.21-65.23, regarding a utility's duty to make line extensions superseded the formula and processes under the Municipal Authorities Act ("MAA"). However, pursuant to 66 Pa. C.S. § 3202(b), the Commission granted PWSA a temporary waiver, of one year from the date of entry of the Final Order, from compliance with 52 Pa. Code §§ 65.21-65.23 regarding a utility's duty to make line extensions. Before or on the expiration date of that one-year period, PWSA was ordered to file for a permanent waiver of the line extension regulations or a supplemental compliance plan detailing how it will revise its processes to be compliant with the line extension regulations.<sup>4</sup>

On April 10, 2020, each of the following parties filed a Petition for Reconsideration to the Commission's Final Order: PWSA<sup>5</sup> and UNITED.<sup>6</sup> PWSA's Petition argues for the Commission to (1) either reconsider its decision to eliminate the requirement for its employees to reside in the City or delay the elimination; (2) reconsider or clarify its intentions regarding issues related to the City; and (3) either clarify or amend the Commission's modifications to the Joint Petition.<sup>7</sup> UNITED's Petition argues

---

<sup>4</sup> Final Order at 180. I&E notes that it did not request reconsideration of the Commission's decision to grant PWSA the temporary waiver. Instead, after careful consideration, I&E concluded that the Commission's grant of a waiver is an appropriate resolution that recognizes the authority and applicability of the Public Utility Code and the Commission's regulations, but also simultaneously grants PWSA a reasonable opportunity to either comply or to support the need for a permanent waiver.

<sup>5</sup> *Implementation of Chapter 32 of the Public Utility Code Regarding Pittsburgh Water and Sewer Authority Stage 1*, M-2018-2640802 et al., PWSA's Petition for Reconsideration, Clarification and/or Amendment of the Commission's March 26, 2020 Final Order, April 10, 2020 (hereinafter "PWSA's Petition").

<sup>6</sup> *Implementation of Chapter 32 of the Public Utility Code Regarding Pittsburgh Water and Sewer Authority Stage 1*, M-2018-2640802 et al., UNITED's Petition for Reconsideration and Clarification of the Commission's March 26, 2020 Final Order, April 10, 2020 (hereinafter "UNITED's Petition").

<sup>7</sup> PWSA's Petition, pp. 1-3.

for the Commission to reconsider and/or to provide clarification regarding its modifications to the Joint Petition.<sup>8</sup>

I&E also notes that on April 10, 2020, a non-party, the City, filed a Petition for Reconsideration and/or Supersedeas of the Commission's Final Order.<sup>9</sup> However, while it is I&E's position that the City's Petition is not properly before the Commission and lacks merit, for purposes of completeness only, and without waiver of these positions, I&E will address the City's Petition in a separate answer. Additionally, for purposes of clarity, I&E takes no position regarding either PWSA or UNITED's requests for reconsideration or clarification regarding the Commission's modifications to the Joint Petition. Therefore, this Answer will respond only to the PWSA's meritless claims that grounds exist for the Commission to (1) either reconsider or delay implementation of its decision to eliminate the requirement for its employees to reside in the City and (2) to either reconsider or clarify its intentions regarding issues related to the City.

#### **A. Residency Requirement**

In its Final Order, the Commission correctly determined that PWSA should be required to eliminate its residency requirement. Specifically, the Commission reviewed the evidence in this case and the applicable legal standards and determined that the record supported the conclusion that PWSA's residency requirement is impeding its ability to provide adequate and efficient service in contravention of

---

<sup>8</sup> UNITED's Petition, pp. 1-2.

<sup>9</sup> *Implementation of Chapter 32 of the Public Utility Code Regarding Pittsburgh Water and Sewer Authority Stage I*, M-2018-2640802 et al., Petition for Reconsideration and/or for Supersedeas of the City of Pittsburgh (hereinafter "City's Petition").

Section 1501 of the Public Utility Code (“Code”).<sup>10</sup> Additionally, the Commission also rejected PWSA’s residency requirement on the basis that it is arbitrary and capricious in that PWSA has not presented any evidence nor advanced any argument to indicate that its board of directors had the public interest in mind when deciding to implement the residency requirement.<sup>11</sup>

I&E submits that the Commission’s determinations on this issue are consistent both with record evidence<sup>12</sup> and with sound legal precedent that permits the Commission to interfere with the management decision of a jurisdictional utility when there has been an abuse of managerial discretion and the public interest has been adversely affected.<sup>13</sup> The Commission’s determination is also consistent with PWSA’s record position that sufficient record evidence existed to support a Commission finding that PWSA’s residency requirement is *impeding its ability to provide adequate and efficient service*.<sup>14</sup> Accordingly, I&E submits that PWSA’s current attempts to deny the weight of evidence in this case, repudiate its own position of record, and deny the Commission’s authority do not warrant relief, as they without merit and must be rejected.

## **B. City Issues**

In its Final Order, the Commission also correctly determined certain issues related to PWSA’s relationship to the City for which PWSA now requests

---

<sup>10</sup> Final Order at pp. 82-83.

<sup>11</sup> Id. at 83.

<sup>12</sup> Final Order at 81-84.

<sup>13</sup> *Metropolitan Edison Company v. Pa. PUC*, 437 A.2d 76 (Pa Cmwlth. 1981).

<sup>14</sup> PWSA Reply Brief, pp. 22.

reconsideration (“City Issues”). PWSA claims its request is merited for two reasons. First, PWSA claims the Commission “appears to overlook two proceedings”, i.e., PWSA’s recent 1308(d) base rate increase filing and its 66 Pa. C.S. § 507 proceeding regarding the 2019 PWSA-City Cooperation Agreement.<sup>15</sup> PWSA provides no basis that the Commission “appears” to have not considered these two proceedings. PWSA also fails to cite any precedent to support its apparent position that the Commission must limit its duty to enforce the Code, applicable regulations, and orders to whatever proceeding PWSA determines is appropriate. Further, the relevance of these two proceedings has not been established in this proceeding. Even had they been, the Commission need not enumerate every factor of its consideration.<sup>16</sup> Second, PWSA claims adjudication of these City Issues denies parties “full and fair due process” in the pending cases. This claim is completely meritless. As will be explained further below, PWSA has had ample opportunity over this 18-month Compliance Proceeding to present its position regarding these City Issues up to and including full litigation and adjudication before the Administrative Law Judges and the full Commission. Not only has PWSA had ample opportunity to present its positions on City issues, but the record in this case reveals that PWSA did, in fact, litigate these issues, directly refuting PWSA’s meritless claim. I&E avers PWSA

---

<sup>15</sup> PWSA’s Petition, p. 3.

<sup>16</sup> See, e.g., *Wheeling & Lake Erie Ry. Co. v. Pa. Pub. Serv. Com'n*, 778 A. 2d 785, 794 (Pa. Cmwlth. 2001) (“[T]he PUC is not required to consider, expressly and at length, each and every contention raised by the party.”)

request regarding City Issues is simply an effort to relitigate matters it has already had a full opportunity to present, and therefore should be rejected.

## **II. PWSA FAILS TO ALLEGE GROUNDS THAT WARRANT RECONSIDERATION**

At the outset, the averments alleged in PWSA's Petition do not meet the requisite standard to warrant reconsideration of the Commission's Order. In this case, PWSA's arguments that purport to justify relief have already been expressly rejected by the Commission, are contrary to its record positions, or are not new and novel arguments; therefore, they do not merit reconsideration. Reconsideration is not "a second motion to review and reconsider, to raise the same questions which were specifically considered and decided against them."<sup>17</sup> On the contrary, reconsideration requires that a petition identify "new and novel arguments, not previously heard, or considerations which appear to have been overlooked or not addressed by the Commission."<sup>18</sup> As explained in depth below, in all cases, PWSA's arguments that purport to warrant reconsideration fail the *Duick* standard and therefore do not warrant reconsideration. In the case of the residency requirement issue, PWSA's claims extend beyond the mere threshold of failing the *Duick* standard and enter into the realm of frivolity because they argue positions that are contrary to the positions PWSA argued in the case and the record it built. PWSA is not permitted to retry this case simply because it is now unhappy with the outcome. With respect to PWSA's requested relief regarding issues related to

---

<sup>17</sup> *Duick v. Pa. Gas and Water Co.*, 56 Pa. PUC 553, 559 (1982) (quoting *Pa. Railroad Co. v. Pa. Pub. Serv. Com'n*, 179 A. 850, 854 (Pa. Super. 1935)).

<sup>18</sup> *Id.*

the City, because PWSA has not alleged a valid basis that the Commission has not fully considered PWSA's position on these issues in this proceeding, its request should be denied.

### **III. ANSWER**

#### **BACKGROUND**

1. Admitted.

2. Admitted.

3. Admitted.

4. Admitted.

5. To the extent that the "Order" PWSA references in this paragraph means the Commission's Opinion and Order issued in this matter on March 26, 2020, the allegations of this paragraph are admitted. To the extent that PWSA is referring to any other Order, I&E is without sufficient information to admit or deny PWSA's allegation and therefore it is denied.

#### **LEGAL STANDARDS FOR RECONSIDERATION**

6. Admitted in part, denied in part. To the extent that PWSA's references to the statutory and regulatory authorities outlined in this paragraph are consistent with those authorities, they are admitted. To the extent that PWSA's references are inconsistent with the authorities, referenced, they are denied. By way of further response, I&E denies that PWSA has met the standards necessary to warrant the relief it seeks.

7. Admitted in part, denied in part. To the extent that PWSA's references to the statutory and regulatory authorities outlined in this paragraph are consistent with

those authorities, they are admitted. To the extent that PWSA's references are inconsistent with the authorities, referenced, they are denied. By way of further response, it is denied that PWSA has met the applicable standards to warrant the relief sought. It is also denied that a petitioner is permitted to raise any matters for consideration, as I&E avers that none of the standards permit parties to raise arguments that are either frivolous or inconsistent with the petitioners' litigation position, which PWSA does in in the context of its Petition.

## **PWSA'S REQUEST FOR RECONSIDERATION**

### **A. Residency Requirement**

8. Admitted.

9. Admitted in part, denied in part. To the extent that the allegations in paragraph 9 are consistent with Section 1501 of the Code, they are admitted. To the extent that they are inconsistent with Section 1501 of the Code, they are denied.

10. Denied. PWSA's averments in this paragraph both mischaracterize I&E's litigation position and its own record evidence from this proceeding. Contrary to PWSA's false claims, I&E argued, in part, that PWSA residency requirement conflicted with its obligations under Section 1501 because it thwarted PWSA's ability to hire qualified water treatment operators, plumbers, laboratory staff, project manager, welders, electrician, and mechanics who are necessary to address its everyday maintenance and operational needs.<sup>19</sup> I&E relied on evidence provided by

---

<sup>19</sup> I&E Main Brief, p. 63; I&E St. No. 2, p. 38; I&E Ex. No. 2, Sch. 7, p. 2.

PWSA to develop and support this position.<sup>20</sup> Additionally, I&E argued that the residency requirement was also incompatible with its obligations under Section 1501 because it impedes PWSA's ability to have redundancy among staff, a result that is inconsistent with its obligation to provide service that is reasonably continuous and without unreasonable interruptions or delay.<sup>21</sup> I&E also relied upon evidence from PWSA to develop and support this position.<sup>22</sup> Therefore, PWSA's inexplicable attempt to now disavow and mischaracterize the evidence it produced is frivolous and inconsistent with its position of record in this case.

11. Admitted in part, denied in part. To the extent that the allegations in paragraph 11 are consistent with the ALJs' decision, they are admitted. To the extent that the allegations are inconsistent with the ALJs' decision, they are denied.

12. Admitted in part, denied in part. To the extent that the allegations in paragraph 12 are consistent with the Commission's Final Order of March 26, 2020, they are admitted. To the extent that the allegations are inconsistent with the Commission's Final Order of March 26, 2020, they are denied.

13. Denied. Although PWSA neglects to identify the "numerous decisions" that it alleges limit the Commission's authority to "interfere" with a residency requirement, PWSA's general allegation that the Commission failed to mention them is of no consequence. PWSA cannot credibly argue that the Commission is obligated

---

<sup>20</sup> PWSA St. No. C-1, p. 23.

<sup>21</sup> I&E Main Brief, pp. 63-64.

<sup>22</sup> PWSA St. No. C-2, p. 16, 32.

to explicitly summarize and evaluate every authority that PWSA hopes may be determinative because it is well-settled that the Commission is not required to consider expressly or at length each contention or argument raised.<sup>23</sup>

14. Admitted in part, denied in part. As to the first averment regarding the *Coplay Cement Manufacturing Co.* case, to the extent that PWSA's averment is consistent with the case, it is admitted, and to the extent that PWSA's averment is inconsistent with the case, it is denied. It is denied that the Commission "overlooked" this case or that it is determinative here. I&E denies the remaining averment of this paragraph, because it is demonstrably inaccurate. In actuality, the Commission is empowered to interfere with a management decision of a utility under its purview where there has been an abuse of managerial discretion and the public interest has been adversely affected.<sup>24</sup> In this case, the Commission determined that PWSA's residency requirement operates as an abuse of management discretion that is adverse to the public interest.<sup>25</sup> I&E notes that PWSA has not produced any new evidence to refute the Commission's determination.

15. Admitted in part, denied in part. As to the first averment regarding the *Northern Pennsylvania Power Co.* case, to the extent that PWSA's averment is consistent with the case, it is admitted, and to the extent that PWSA's averment is inconsistent with the case, it is denied. It is denied that the Commission

---

<sup>23</sup> Commission's Final Order at 14, citing *Consolidated Rail Corp. v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993).

<sup>24</sup> *Metropolitan Edison Company v. Pa. PUC*, 437 A.2d 76 (Pa. Cmwlth. 1981).

<sup>25</sup> Final Order at 81-82.

“overlooked” the cited authority or that it is determinative in this case. I&E also denies the remaining averments of this paragraph, because they demonstrably inaccurate. In actuality, the Commission is empowered to interfere with a management decision of a utility under its purview where there has been an abuse of managerial discretion and the public interest has been adversely affected.<sup>26</sup> PWSA has not disputed this, and instead conveniently chooses the route of disregard. In this case, the Commission determined that PWSA’s residency requirement operates as an abuse of management discretion that is adverse to the public interest.<sup>27</sup> I&E notes that PWSA has not produced any new evidence to refute the Commission’s determination. Finally, PWSA’s claim that I&E failed to produce evidence of the residency requirement’s negative impact upon the public is easily dispelled in a review of page 77 pf the Commission’s Final Order, which summarizes the evidence that I&E produced:

I&E further argued that the residency requirement would result in the PWSA’s violation of Section 1501 of the Code because the limitations discussed above as well as the PWSA’s admitted inability to keep redundancy among staff is unequivocally at odds with its obligation to furnish and maintain adequate, efficient, safe, and reasonable service and facilities and should therefore be eliminated. Lastly, I&E averred that the PWSA has admitted that they are excluding 84% of the Pittsburgh metropolitan area from its employment pool and therefore, the PWSA’s residency requirement frustrates its ability to comply with the Commission’s diversity policy goals as set forth in Sections 69.801-69.809 of our Regulations, 52 Pa. Code §§ 69.801-69.809.

---

<sup>26</sup> *Metropolitan Edison Company v. Pa. PUC*, 437 A.2d 76 (Pa Cmwlth. 1981).

<sup>27</sup> Final Order at 81-82.

16. Admitted in part, denied in part. As to the averments regarding the *Northern Pennsylvania Power Co.* and *Southwestern Bell Tel. Co* cases, to the to the extent that PWSA's summary of those authorities are consistent with those authorities, they are admitted, and to the extent that PWSA's averments are inconsistent with those authorities, it is denied. It is denied that the Commission "overlooked" those cited authorities or that they are determinate in this case. I&E denies the remaining averments of this paragraph, because they demonstrably inaccurate. In actuality, the Commission is empowered to interfere with a management decision of a utility under its purview where there has been an abuse of managerial discretion and the public interest has been adversely affected.<sup>28</sup> PWSA has not disputed this, and instead conveniently chooses the route of disregard. In this case, the Commission determined that PWSA's residency requirement operates as an abuse of management discretion that is adverse to the public interest.<sup>29</sup> PWSA produces no evidence to dispute the Commission's determination. Instead, PWSA allegation that the Commission "imposes its will on PWSA regarding a business decision" merely demonstrates its failure to recognize the Commission's authority; however, this failure does not operate as a valid basis for reconsideration.

17. Admitted in part, denied in part. As to the averments regarding the *Bell Telephone Co. of PA*, to the to the extent that PWSA's summary of that case is consistent with that case, it is admitted, and to the extent that PWSA's summary is

---

<sup>28</sup> *Metropolitan Edison Company v. Pa. PUC*, 437 A.2d 76 (Pa Cmwlth. 1981).

<sup>29</sup> Final Order at 81-82.

inconsistent with that case, it is denied. It is denied that the Commission “overlooked” this case or that it is determinate here. I&E denies the remaining averments of this paragraph, because they demonstrably inaccurate. In actuality, the Commission is empowered to interfere with a management decision of a utility under its purview where there has been an abuse of managerial discretion and the public interest has been adversely affected.<sup>30</sup> PWSA has not disputed this, and instead conveniently chooses the route of disregard. In this case, the Commission determined that PWSA’s residency requirement operates as an abuse of management discretion that is adverse to the public interest.<sup>31</sup> PWSA produces no evidence to dispute the Commission’s determination. Instead, PWSA allegation that the Commission “overstepped” merely demonstrates its failure to recognize the Commission’s authority; however, this failure does not operate as a valid basis for reconsideration.

18. Denied. First, as addressed in I&E’s replies to paragraphs 13 through 17 above, none of the cases PWSA admonishes the Commission to revisit provide a sufficient basis to overcome the weight of evidence in this case and the Commission’s authority to interfere with a PWSA management decision of a utility where, as proven here, there has been an abuse of managerial discretion and the public interest has been adversely affected. Notwithstanding this, despite PWSA’s claims that the Commission is obligated to abdicate its authority in favor of the haphazardly-strewn precedent PWSA alleges, a Petition for Reconsideration is not a second bite at

---

<sup>30</sup> *Metropolitan Edison Company v. Pa. PUC*, 437 A.2d 76 (Pa Cmwlth. 1981).

<sup>31</sup> Final Order at 81-82.

the apple for purposes of briefing. PWSA has had ample opportunity to argue all of the case law it desired, including the opportunities it had in its Main Brief and Reply Brief. Notably, PWSA forfeited an opportunity to reply to I&E's Exceptions regarding the residency requirement because it elected not to address I&E's argument through Reply Exceptions. Nonetheless, a second bite at the apple now, no matter the precedent, will not refute the evidence of record.

19. Admitted in part, denied in part. It is admitted only that the Commission's Final Order recognized the management discretion doctrine, and the remaining averments of this paragraph are denied. PWSA either misrepresents or misconstrues the holding in *Metropolitan Edison* as being limited to the context of rates. While it is true that the issue at bar in *Metropolitan Edison* involved rates, the case held that if there is an abuse of a utility's managerial discretion, and the public interest has been adversely affected thereby, then the Commission is empowered to intervene.<sup>32</sup> *Metropolitan Edison* does not stand for the proposition that the Commission is only empowered to intervene in rate matters, which is evidenced not only in the clear text of its holding, but also by the absurd result that would ensue if the Commission were powerless to intervene in utility decisions that jeopardized public safety or conflicted with regulatory mandates in a manner that could endanger jurisdictional ratepayers and utilities. Aside from being absurd, I&E notes that PWSA's averments here are not new or novel arguments that it can only now

---

<sup>32</sup> *Metropolitan Edison Company v. Pa. PUC*, 437 A.2d 76 at 80 (Pa Cmwlth. 1981).

raise for the first time, as PWSA could have but elected not to pursue this meritless argument before the Commission issued its Final Order.

20. Denied. Although PWSA failed to identify the universe of cases it alleges that the Commission relied upon, its allegation that all of the case law that the Commission relied upon was limited in subject matter to rates paid by consumers is demonstrably false. On page 79 of its Final Order, the Commission includes the case of *Lower Chichister Township v. Pennsylvania Public Utility Commission*, and the issue in that case did not hinge upon rates. Instead, the issue was whether the Commission had the right to interfere in management decision regarding the location of utility facilities, and the issue was decided in favor of the Commission.<sup>33</sup> By way of further response, although PWSA's allegation is false, even assuming, arguendo, that it were true and that the cases cited were only in the context of rate issues, the subject matter of those cases would in no way limit the Commission's authority to enforce all Code provisions,<sup>34</sup> including Section 1501.

21. Admitted in part, denied in part. It is admitted only that the Commission deferred consideration of any ratemaking implications of PWSA's residency requirement to a future PWSA rate case.<sup>35</sup> It is denied that this case does not involve rates, as this claim is easily dispelled by the fact that PWSA's Petition argues, in part, for reconsideration of special rate treatment for the City. It is denied that the Commission

---

<sup>33</sup> *Lower Chichester Tp. v. Pa. PUC*, 119 A.2d 674, 678, 180 Pa.Super. 503, 510–11 (Pa.Super 1956).

<sup>34</sup> 66 Pa. C.S. §501(a).

<sup>35</sup> Final Order at 80.

failed to follow applicable law in reaching its Final Order, as a review of the 203-page Final Order reveals that PWSA's allegation is false. By way of further response, PWSA cannot credibly argue that the Commission is obligated to explicitly summarize and evaluate every authority that PWSA hopes may be determinative because it is well-settled that the Commission is not required to consider expressly or at length each contention or argument raised.<sup>36</sup> As the Commission made clear on page 14 of its Final Order, any argument that it did not specifically address shall be deemed to have been duly considered and denied without further discussion. I&E notes that PWSA cites no authority to support its apparent position that the Commission must explicitly set forth every single element of its entire legal basis, including the entire universe of alleged applicable case law, for its rejection of PWSA's position.

22. Admitted.

23. Denied. Although the Commission does have the authority to eliminate the residency requirement when it determines that PWSA's policy is causing non-compliance with the Code or Commission regulations, as described, case law makes it clear that that if there is an abuse of a utility's managerial discretion, and the public interest has been adversely affected thereby, then the Commission is empowered to intervene.<sup>37</sup> By way of further response, I&E notes that PWSA's allegation in this paragraph directly conflicts with its allegations in paragraphs 19-21 which claim that the

---

<sup>36</sup> Commission's Final Order at 14, citing *Consolidated Rail Corp. v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993).

<sup>37</sup> *Metropolitan Edison Company v. Pa. PUC*, 437 A.2d 76 at 80 (Pa Cmwlth. 1981).

Commission's authority is limited to the context of rates. I&E submits that this contradiction further demonstrates the fallacy of PWSA's claims.

24. Denied. As demonstrated in I&E's response to Paragraph 20, the Commission's review was not limited in scope to rate impacts and the Commission did not rely upon an improper legal standard. It is also denied that the Commission failed to consider whether any evidence was presented to support the conclusion that PWSA's residency requirement resulted in non-compliance with Section, because that allegation is easily dispelled by a review of PWSA's own litigation position and the Commission's Final Order. Specifically, in its Reply Brief, PWSA previously conceded that the record supports a Commission finding that the residency requirement is impeding its ability to provide adequate and efficient service;<sup>38</sup> therefore, its newfound position that this isn't so is a complete reversal of its position of record in this case. Moreover, pages 82-83 of the Commission's Final Order clearly identify the record evidence that the Commission relied upon in making its determination (internal citations omitted):

Despite the benefits cited to by the ALJs, foreclosing 86% of a qualified working population would in our opinion cause harm to consumers. Putting the increased costs aside, a lack of adequate, qualified technical employees, including reasonable redundancies of such employees, to provide necessary daily operation and maintenance of the PWSA's system is inconsistent with a utility's duty to furnish and maintain adequate, efficient, safe, and reasonable service and facilities. While the PWSA's contractors may be qualified to deal with day-to-day operations and any emergencies that may arise, the lack of redundancy will more likely lead to a drain of institutional knowledge that will interfere unreasonably with the PWSA's duty to provide adequate, efficient, safe and

---

<sup>38</sup> PWSA Reply Brief at 22

reasonable service. Therefore, the results of the PWSA's residency requirement is inconsistent with its obligations under Section 1501. It bears repeating that the PWSA has already admitted that "the record here supports a Commission finding that the residency requirement is increasing costs to the PWSA and *impeding its ability to provide adequate and efficient service.*" PWSA R.B. at 22 (emphasis added).

Since the PWSA has admitted that the residency requirement impedes its ability to provide adequate and efficient service, to permit the residency requirement to be implemented in the PWSA's Compliance Plan would be inconsistent with Section 1501 of the Code. Accordingly, we direct the PWSA to revise its Compliance Plan to remove the residency requirement as currently proposed.

25. Admitted in part, denied in part. It is admitted only that PWSA correctly reiterates the cited portions of the ALJs' Recommended Decision. Consistent with I&E's responses to Paragraphs 10 and 24, which are incorporated herein, is denied that I&E failed to provide evidence and that Commission failed to perform the requisite analysis, because these allegations are demonstrably false.

26. Admitted in part, denied in part. It is admitted only that the Commission correctly concluded that the continuation of PWSA's residency requirement is an abuse of managerial discretion and will adversely impact the public interest. Consistent with I&E's response to Paragraphs 10 and 24 above, which are incorporated herein, it is denied that there was any absence of evidence for the Commission's conclusion because this allegation is demonstrably false. Finally, it is denied that the Commission's rationale was limited as PWSA claims, as a key component of the Commission's rationale was that PWSA admitted that the residency

requirement impedes its ability to provide adequate and efficient service.<sup>39</sup> PWSA omits this fact, but its disingenuous and strategic disregard of it does not diminish the record. Finally, the Final Order also demonstrates that the Commission also rejected the residency requirement on the basis that it is that it is arbitrary and capricious, as PWSA “has not presented any evidence nor advanced any argument to indicate that its board of directors had the public interest in mind when deciding to implement the residency requirement.”<sup>40</sup>

27. Denied. Consistent with I&E’s response to Paragraphs 10 and 24 above, which are incorporated herein, it is denied that there was any absence of evidence for the Commission’s conclusion because this allegation is demonstrably false. It is further denied that PWSA provided any evidence to support its newfound position that the alleged steps that it is taking to mitigate the hiring challenges imposed by the residency requirement compel a determination that the residency requirement does not impede its ability to provide adequate and efficient service. To the contrary, PWSA’s position of record in this case was that the record here supports a Commission finding that PWSA’s residency requirement is *impeding its ability to provide adequate and efficient service.*”<sup>41</sup>

---

<sup>39</sup> Final Order at p. 82.

<sup>40</sup> Final Order at p. 83.

<sup>41</sup> PWSA Reply Brief, pp. 22.

28. Admitted in part, denied in part. It is admitted only that the Commission's Final Order determined that PWSA's residency requirement is arbitrary and capricious. It is denied that no precedential support exists for the Commission's authority to make that determination, as the Commission's Final Order easily dispels this claim:

The Commission has long recognized the "management discretion doctrine," which established that it is not within the province of the Commission to interfere with the management of a utility, including decisions relating to the necessity and propriety of operating expenses, **unless the Commission finds an abuse of discretion or arbitrary action by the utility has been shown based on the record evidence.** *See Pennsylvania Public Utility Commission v. Philadelphia Electric Company*, 561 A.2d 1224, 1226 (Pa. 1989) (citing *Lower Chichister Township v. Pennsylvania Public Utility Commission*, 119 A.2d 674, 678 (Pa. 1976)); *see also Natural Fuel and Gas Distribution Corporation v. Pa. PUC*, 464 A.2d 546, 558 (Pa. Cmwlth. 1983).<sup>42</sup>

Additionally, by way of further response, I&E presented evidence regarding the arbitrary nature of PWSA's residency requirement, and PWSA failed to even attempt to respond.<sup>43</sup> Instead, the Commission correctly determined that it "is clear from the record that the PWSA made no meaningful effort to determine whether its implementation of the residency requirement would benefit the public."<sup>44</sup> Finally, consistent with I&E's response to Paragraphs 10 and 24 above, which are incorporated herein, it is denied

---

<sup>42</sup> Final Order, p. 79 (emphasis added).

<sup>43</sup> Final Order, p. 83.

<sup>44</sup> Id.

that there was any absence of evidence for the Commission's conclusion because this allegation is demonstrably false.

29. Denied. Although PWSA's Compliance Plan was pending since September of 2018, it now, after the record is closed and a Final Commission decision has been entered, asks the Commission to consider an issue it elected not to raise for almost two years: collective bargaining agreements. It is denied that such consideration is warranted or appropriate here, where PWSA has chosen not to raise develop a record on this issue and the issue is not appropriately before the Commission. PWSA has not and cannot credibly claim that it only recently became aware of the timing of its collective bargaining negotiations, so its failure to assert this position until the case concluded now prejudices the parties who were deprived of developing a record on this issue. By way of further response, PWSA's position that the Commission should defer this issue to Stage 2 of the Compliance Plan proceeding is without merit, both because it would perpetuate PWSA's non-compliance to the detriment of its own operations and to ratepayers, and it would waste parties' and the Commission's resources by giving PWSA an unwarranted second bite at the apple at all others' expense.

#### **B. City Unmetered Issues**

30. Denied. The Commission did not inappropriately predetermine and prejudice issues related to City payments to PWSA in this proceeding, denying the parties their full and fair due process opportunity to support their positions in those cases. This Compliance Plan proceeding was a fully litigated, on-the-record proceeding taking place

over nearly 18 months.<sup>45</sup> All parties had an opportunity to fully participate in this proceeding, including regarding issues related to PWSA not fully billing the City. PWSA provides no basis that these issues must only be examined in proceedings conducted pursuant to 66 Pa. C.S. § 507 or 1308. The General Assembly expansively mandated that the Compliance Plan proceeding

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.<sup>46</sup>

There is no basis for PWSA to now claim the General Assembly forbade scrutiny of its relationship with the City during the Compliance Plan proceeding. To the contrary, the sponsors of the legislation placing PWSA under Commission oversight stressed the need to correct both PWSA and the City's operations, stating "[t]he City of Pittsburgh and PWSA clearly need guidance and direction which could be provided by the PUC."<sup>47</sup> Additionally, PWSA was certainly on notice that the City Issues that would be addressed in this case because the Commission directly notified PWSA of this fact in the form of issuance of Directed Questions at the outset of this case.<sup>48</sup> Specifically, on November 28, 2018, the Commission's Directed Questions to PWSA and parties that indicated the City

---

<sup>45</sup> PWSA filed their Compliance Plan and LTIP on September 28, 2018 and the Commission's Opinion and Order was entered on March 26, 2020.

<sup>46</sup> 66 Pa. C.S. § 3204(b).

<sup>47</sup> Reps. Turzai and Readhsaw, *Legislation to place the Pittsburgh Water and Sewer Authority under the oversight of the Public Utility Commission*, House Co-Sponsorship Memoranda (May 24, 2017).

<sup>48</sup> *Implementation of Chapter 32 of the Public Utility Code Re Pittsburgh Water and Sewer Authority*, M- 2018-264802 et al, Pennsylvania Public Utility Commission Technical Staff Initial Report and Directed Questions-Stage 1 (November 28, 2018-Corrected) ("Directed Questions").

Issues would include municipal metering and metered service<sup>49</sup> and PWSA's relationship with the City (including but not limited to free water service, the Cooperation Agreement, costs of services provided to the City, PWSA's payments to the City).<sup>50</sup> PWSA did not contest or oppose the inclusion of those issues in the Commission's Directed Questions or object to the entry of the evidence that I&E provided regarding this issues at the evidentiary hearing in this case on August 21, 2019. Nonetheless, now, at the eleventh hour, PWSA attempts to cherry-pick issues related to the City as inappropriate for the Compliance Plan. In addition to being incorrect, at no point during this proceeding did PWSA raise such a claim despite it being fully capable of doing so. To the contrary, PWSA fully participated in testimony and briefing of these issues without any claim of procedural impropriety.

31. Admitted in part and denied in part. Admitted to the extent the Order decides certain issues related to payments from the City to PWSA, and the Commission's review and adjudication of pending 66 Pa. C.S. § 507 and 66 Pa. C.S. § 1308(d) proceedings will provide further guidance as to how PWSA's relationship with the City should be ordered to comply with the Code. Denied to the extent PWSA claims there is no basis upon which to direct specific rates that PWSA is to charge the City. All throughout this proceeding, PWSA stated it would charge the City 20% of all its metered usage in year 1, starting January 1, 2020.<sup>51</sup> However, now that the Commission has

---

<sup>49</sup> Directed Questions, pp. 6-7.

<sup>50</sup> Directed Questions, pp. 14-15.

<sup>51</sup> See PWSA Main Brief, p. 26.

rejected its stepping billing proposal, PWSA completely changes course and claims it is not possible to charge the City for its water usage absent a tariffed rate. First, PWSA should be estopped from now claiming it cannot charge the City for water usage absent a tariffed rate as PWSA did not raise this issue at all in context of its step-billing proposal, despite it clearly being a similar circumstance of its proposal. Second, although there is not currently a specific “municipal” or similar rate in PWSA’s tariffs, it should be noted PWSA witness Debbie Lestitian claims in her direct testimony submitted March 6, 2020 in PWSA’s recently filed 1308(d) proceeding that, pending decision in the Section 507 proceeding, PWSA is following the terms of the 2019 Cooperation Agreement in its interactions with the City and the City will be assessed under PWSA’s Commercial customer tariff rates.<sup>52</sup> I&E avers PWSA is not acting in good faith by claiming it can charge the City Commercial customer tariff rates in the absence of dedicated municipal tariff rates only if it’s in accordance with its step-billing proposal, but not by virtue of the Commission’s Order. Last, PWSA’s concerns do not extend to developing a flat fee for unmetered properties and the costs to install meters. The flat fee is only to be developed in conjunction with the next rate case,<sup>53</sup> and costs to install meters are applicable to all customers, not just the City.

32. Denied. There is no basis to claim the Commission overlooked the purpose of the 66 Pa. C.S. § 507 proceeding or the recently filed 66 Pa. C.S. § 1308(d) filing.

---

<sup>52</sup> R-2020-3017951 and R-2020-3017970, PWSA St. No. 2, p. 6, fn. 4 (“The City of Pittsburgh Municipal Accounts will be assessed under PWSA’s Commercial customer class and the payment agreement set forth in Exhibit DML-1 is reflected in both PWSA’s Proposed Water and Wastewater Tariff Supplements”).

<sup>53</sup> See Final Order, p. 179, Ordering Paragraph 10.

Further, there is no basis for PWSA to dictate the venue and scope of Commission review of these City Issues.

33. Admitted in part and denied in part. Admitted that PWSA recounts certain statements by the Commission that PWSA revise its relationship with the City. Denied that PWSA is “well on its way” to achieving goals related to revising its relationship with the City in the Section 507 or 1308(d) proceedings, or that the Commission need to clarify its Order is not intended to preempt or prejudge the outcome of either of those proceedings. Unlike the Compliance Plan proceeding, both the Section 507 and 1308(d) proceedings have not been subject to an extensive on-the-record proceeding, and therefore there is no basis to claim PWSA is “well on its way” to revising its relationship with the City in those proceedings. Additionally, there is no basis to claim the Commission needs to qualify its Order as desired by PWSA. The Compliance Plan proceeding was a voluminous proceeding that touched on a number of subjects that arguably could be a subject of a Section 507 proceeding (e.g., regarding bulk water or bulk wastewater conveyance agreements) or a 1308(d) proceeding (e.g., various tariff revisions), but here, again, PWSA only points to matters relating to the City as being unripe for decision in the Compliance Plan proceeding. As discussed in Paragraph 30 above, PWSA’s concern is unfounded because the General Assembly was clear regarding the broad scope of this proceeding and PWSA has had ample opportunity to present its position.

34. Admitted in part and denied in part. Admitted the Commission’s Final Order makes a decision regarding PWSA and the City’s proposed 2019 Cooperation

Agreement only to the extent the Commission made clear business transactions conducted with the City of Pittsburgh are required to occur on a transactional basis until a new Cooperation Agreement is reviewed and approved by the Commission.<sup>54</sup> It is denied the Commission's Order makes a final decision regarding PWSA and the City's proposed 2019 Cooperation Agreement. Further, PWSA mischaracterizes the effect of the Commission's Order as creating "uncertainty" regarding the OALJ's Section 507 review of the Cooperation Agreement. To the contrary, the Commission's Order resolved certain topics, fully developed over an 18-month on-the-record proceeding, that should streamline review of the 2019 Cooperation Agreement.

35. Denied. PWSA suffered no deprivation where the parties fully litigated a step-billing plan for the City not contained in PWSA's regularly filed and published tariff rates in this proceeding. Further, as explained in Paragraph 31, PWSA currently contemplates charging the City PWSA's tariff rate for Commercial customers.

36. Denied. PWSA suffered no deprivation where the parties fully litigated PWSA's cost-sharing proposal between the City and PWSA for meter installations in this proceeding. Additionally, PWSA raises no new issue regarding meter installations not already presented to the Commission for its consideration.

37. Denied. PWSA provides no basis what is "problematic" about the Commission directing development and implementation of a flat rate for City-owned

---

<sup>54</sup> Final Order, p. 179, Ordering Paragraph 10.

properties and buildings. PWSA again suffered no deprivation where the parties fully litigated a flat rate for unmetered City-owned properties and buildings.

38. Denied. As explained in Paragraphs 35, 36, and 37, PWSA was provided the opportunity to fully litigate these issues.

39. Denied. I&E avers PWSA mischaracterizes the Commission's Final Order. In its Final Order, the Commission stated it was persuaded by I&E's arguments that PWSA cannot circumvent the Code and Commission mandates by making separate arrangements through a Cooperation Agreement with the City. I&E's assertion that PWSA cannot circumvent the Code and Commission mandates was a reaction to PWSA's claim that:

...PWSA and the City do not have the traditional 'independent' utility-customer relationship contemplated by the Commission standard practices and regulations. Rather, their relationship is governed pursuant to a Cooperation Agreement...<sup>55</sup>

To the contrary, PWSA and the City's relationship is first and foremost governed by the Code and Commission rules, regulations, and orders. Accordingly, I&E asserts PWSA fails to properly interpret the Commission's Opinion and Order.

40. Denied. As explained herein, PWSA provides no valid basis for the Commission to reconsider its Order regarding City Issues. PWSA had the opportunity in this proceeding to fully litigate each of the City Issues it highlights. PWSA therefore has no basis to claim it is prejudiced in regard to these issues in a Section 507 proceeding.

---

<sup>55</sup> PWSA Main Brief, p. 22.

41. Denied. There is no basis to claim the Commission overlooked PWSA's recently filed 66 Pa. C.S. § 1308(d) filing.

42. Admitted in part and denied in part. Admitted that the record did not appropriately quantify costs associated with service to City-owned properties. Denied that PWSA has appropriately quantified costs in PWSA's 66 Pa. C.S. § 1308(d) proceeding or that the potential for quantification of costs merits reconsideration of the Commission's Opinion and Order in this proceeding.

43. Admitted in part and denied in part. Admitted that the Section 507 Proceeding and Rate Case Proceeding may serve to further reorder PWSA's relationship with the City. Denied that the Section 507 Proceeding and Rate Case Proceeding are prerequisites to Commission's action reordering PWSA and the City's relationship in this proceeding. I&E avers there is no singular proceeding or set of proceedings that will revise PWSA and the City's relationship totally and in perpetuity. However, as mandated by the General Assembly, the Commission's Final Order in this proceeding is an important and major milestone in reordering this relationship to comply with the Code and Commission rules, regulations and orders. Allowing PWSA's reconsideration will only serve to impede this progress.


44. The averments contained in this paragraph constitute a prayer for relief to which no response is required. To the extent a response is deemed to be required, it is denied the Commission should reconsider its Opinion and Order because of pending 66 Pa. C.S. § 507 and 66 Pa. C.S. § 1308(d) proceedings. As explained above, PWSA has

had a lengthy opportunity to present its positions on the City Issues in this proceeding. Therefore, PWSA incorrectly claims it has been deprived a full record on these issues.

#### **IV. CONCLUSION**

WHEREFORE, for the reasons set forth above, the Bureau of Investigation and Enforcement respectfully requests that the Commission deny the portions of Pittsburgh Water and Sewer Authority's Petition for Reconsideration that (1) either request the Commission to reconsider its decision to eliminate the requirement for PWSA employees to reside in the City of Pittsburgh or delay the elimination; and (2) request that the Commission reconsider or clarify its intentions regarding issues related to the City.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'G. L. Miller', is written over the typed name.

Gina L. Miller  
Prosecutor  
Attorney ID No. 313863

John M. Coogan  
Prosecutor  
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: April 20, 2020

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

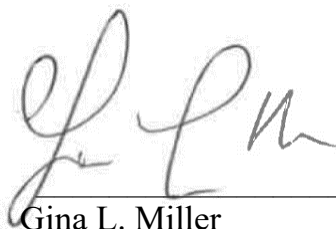
Implementation of Chapter 32 of the Public	:	M-2018-2640802
Utility Code Regarding Pittsburgh Water and	:	M-2018-2640803
Sewer Authority – Stage 1	:	

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

**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: April 20, 2020



---

Gina L. Miller  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor West  
Harrisburg, PA 17120

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Implementation of Chapter 32 of the Public	:	Docket Nos.	M-2018-2640802
Utility Code re Pittsburgh Water and Sewer	:		M-2018-2640803
Authority – Stage 1	:		

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

**CERTIFICATE OF SERVICE**

I hereby certify that I am serving the foregoing **I&E Answer to PWSA's Petition for Reconsideration**, dated April 20, 2020 in the manner and upon the persons listed below:

**Served via Electronic Mail Only**

Honorable Mark A. Hoyer  
Honorable Conrad A. Johnson  
Pennsylvania Public Utility Commission  
Office of Administrative Law Judge  
Suite 220, Piatt Place  
301 Fifth Avenue  
Pittsburgh, PA 15222

Christine Maloni Hoover, Esq.  
Erin L. Gannon, Esq.  
Lauren E. Guerra, Esq.  
Office of Consumer Advocate  
Forum Place  
555 Walnut Street, 5th Floor  
Harrisburg, PA 17101  
[ocapwsa2018@paoca.org](mailto:ocapwsa2018@paoca.org)

Daniel Clearfield, Esq.  
Deanne M. O'Dell, Esq.  
Karen O. Moury, Esq.  
Carl R. Shultz, Esq.  
Sarah D. Stoner, Esq.  
Eckert Seamans Cherin & Mellott LLC  
213 Market Street, 8th Floor  
Harrisburg, PA 17101  
[dclearfiled@eckertseamans.com](mailto:dclearfiled@eckertseamans.com)  
[dodell@eckertseamans.com](mailto:dodell@eckertseamans.com)  
[kmoury@eckertseamans.com](mailto:kmoury@eckertseamans.com)  
[cshultz@eckertseamans.com](mailto:cshultz@eckertseamans.com)  
[sstoner@eckertseamans.com](mailto:sstoner@eckertseamans.com)

*Counsel for  
Pittsburgh Water & Sewer Authority*

Sharon E. Webb, Esq.  
Erin K. Fure, Esq.  
Daniel G. Asmus, Esq.  
Office of Small Business Advocate  
Forum Place  
555 Walnut Street, 1st Floor  
Harrisburg, PA 17101  
[swebb@pa.gov](mailto:swebb@pa.gov)  
[efure@pa.gov](mailto:efure@pa.gov)  
[dasmus@pa.gov](mailto:dasmus@pa.gov)

Elizabeth R. Marx, Esq.  
John W. Sweet, Esq.  
Patrick M. Cicero, Esq.  
PA Utility Law Project  
118 Locust Street  
Harrisburg, PA 17101  
[pulp@palegalaid.net](mailto:pulp@palegalaid.net)  
*Counsel for Pittsburgh United*

Linda R. Evers, Esq.  
Stevens & Lee  
111 North Sixth Street  
Reading, PA 19603  
[lre@stevenslee.com](mailto:lre@stevenslee.com)  
*Counsel for*  
*Pennsylvania-American Water Company*

Michael A. Gruin, Esq.  
Stevens & Lee  
17 North Second Street, 16th Floor  
Harrisburg, PA 17101  
[mag@stevenslee.com](mailto:mag@stevenslee.com)  
*Counsel for*  
*Pennsylvania-American Water Company*

Peter DeMarco, Esq.  
Dimple Chaudhary, Esq.  
Cecilia Segal, Esq.  
Natural Resources Defense Council  
1152 15th Street Northwest, Suite 300  
Washington DC, 20005  
[pdemarco@nrdc.org](mailto:pdemarco@nrdc.org)  
[dchaudhary@nrdc.org](mailto:dchaudhary@nrdc.org)  
[csegal@nrdc.org](mailto:csegal@nrdc.org)  
*Counsel for Pittsburgh UNITED*

Susan Simms Marsh, Esq.  
Pennsylvania-American Water Company  
852 Wesley Drive  
Mechanicsburg, PA 17055  
[susan.marsh@amwater.com](mailto:susan.marsh@amwater.com)

David P. Zambito, Esq.  
Cozen O'Connor  
17 North Second Street  
Suite 1410  
Harrisburg, PA 17101  
[dzambito@cozen.com](mailto:dzambito@cozen.com)

Yvonne S. Hilton, City Solicitor  
John F. Doherty, Asst City Solicitor  
Lawrence H. Baumiller, Asst City Solicitor  
John V. DeMarco, Asst City Solicitor  
City of Pittsburgh Department of Law  
City-County Building, Suite 313  
414 Grant Street  
Pittsburgh, PA 15219  
[yvonne.hilton@pittsburghpa.gov](mailto:yvonne.hilton@pittsburghpa.gov)  
[john.doherty@pittsburghpa.gov](mailto:john.doherty@pittsburghpa.gov)  
[lawrence.baumiller@pittsburghpa.gov](mailto:lawrence.baumiller@pittsburghpa.gov)  
[john.demarco@pittsburghpa.gov](mailto:john.demarco@pittsburghpa.gov)  
*Counsel for City of Pittsburgh Michelle*

Naccarati Chapkis  
Mayor's Blue Ribbon Panel on  
Restructuring the PWSA  
c/o Women for a Healthy Environment  
5877 Commerce Street  
Pittsburgh, PA 15206  
[michelle@womenforahealthyenvironment.org](mailto:michelle@womenforahealthyenvironment.org)



---

Gina L. Miller  
Prosecutor  
PA Attorney ID No. 313863