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April 9, 2021

**Via Electronic Filing**

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

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

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

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Pittsburgh Water and Sewer Authority's ("PWSA") Petition for Amendment of the Commission's February 4, 2021 Final Order Regarding Procedural Process for Customer Service and Collections Issues with regard to the above captioned matter. Relatedly and under separate covers, **PWSA is also filing** today: (1) Stage 2 Compliance Plan: Chapters 14 & 56, DSLPA and Collections; and, (2) Stage 2 Compliance Plan: Stormwater. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,

A handwritten signature in blue ink that reads "Deanne M. O'Dell".

Deanne M. O'Dell

cc: Certificate of Service (via email only)

## **CERTIFICATE OF SERVICE**

I hereby certify that this day I served a copy of PWSA's Stage 2 Compliance Plan:

Chapters 14 & 56, DSLPA and Collections upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

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April 9, 2021



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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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**PETITION OF THE PITTSBURGH WATER AND  
SEWER AUTHORITY FOR AMENDMENT OF THE  
COMMISSION'S FEBRUARY 4, 2021 FINAL ORDER  
REGARDING PROCEDURAL PROCESS FOR  
CUSTOMER SERVICE AND COLLECTIONS ISSUES**

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## I. INTRODUCTION

Pursuant to Section 703(g) of the Public Utility Code<sup>1</sup> and Section 5.572(d) of the Regulations of the Pennsylvania Public Utility Commission (“Commission” or “PUC”),<sup>2</sup> The Pittsburgh Water and Sewer Authority (“PWSA” or “Authority”) files this Petition for Amendment (“Petition”) of the PUC’s Opinion and Order entered February 4, 2021 (“*February 2021 Order*”) Regarding Procedural Process For Customer Service And Collections Issues. The *February 2021 Order* sets forth the Commission’s decisions regarding PWSA’s Compliance Plan Stage 1,<sup>3</sup> directs the start of the Compliance Plan Stage 2 proceeding as well as the procedural process for review of the Compliance Plan Stage 2 issues.

By this Petition, PWSA respectfully requests that the Commission amend the portion of the *February 2021 Order* that addresses the proceeding relating to Stage 2 of the Compliance Plan focusing on customer service issues.<sup>4</sup> Importantly, PWSA is not seeking any substantive changes to the *February 2021 Order* nor, through this Petition, is PWSA seeking any modification regarding review of PWSA’s Stage 2 Compliance Plan: Stormwater.<sup>5</sup> The only purpose of the Petition’s proposed amendments to the *February 2021 Order* is to request procedural modifications that enable a process – prior to litigation and referral to the Office of Administrative Law Judge (“OALJ”) – whereby the volume of issues can be amicably resolved and remaining disputes can be significantly narrowed by the parties.

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<sup>1</sup> 66 Pa.C.S. § 703(g).

<sup>2</sup> 52 Pa. Code § 5.572(d).

<sup>3</sup> PWSA filed its Compliance Plan or “CP” on September 28, 2018 and its “Compliance Plan Supplement” on February 1, 2019.

<sup>4</sup> *February 2021 Order* at 62-65.

<sup>5</sup> PWSA does anticipate filing a Motion to Hold in Abeyance the Stage 2 Stormwater Compliance Plan on or about April 13, 2021 with its anticipated filing of a base rate case at Docket Nos. R-2021-3024773 (water), R-2021-3024774 (wastewater) and R-2021-3024779 (stormwater).

This Petition focuses on the procedural steps for handling the issues related to Chapter 14 of the Public Utility Code;<sup>6</sup> Chapter 56 of the Commission’s regulations;<sup>7</sup> PWSA’s compliance with the Discontinuance of Services to Leased Premises Act (“DSLPA”);<sup>8</sup> and PWSA’s plan for collections (to include strategies to reduce overall uncollectibles and to ensure that collections practices for residential customers are consistent with legal requirements.<sup>9</sup> (“Customer Service Issues”). By a separate Petition, PWSA is proposing modifications to the procedure to address the development of a stormwater tariff.

In originally establishing two stages for review of the PWSA Compliance Plan by a Secretarial Letter issued on November 28, 2018 (“*November 2018 Secretarial Letter*”), the Commission noted that the focus for Stage 2 would be on Chapter 14 and Chapter 56 issues and the development of a stormwater tariff.<sup>10</sup> At that time, the Commission indicated that “[t]o the extent that perceived conflicts may arise between the PWSA rate proceeding<sup>11</sup> and the staged litigation of the PWSA Compliance Plan the Commission will entertain resolution of those conflicts by motion or petition within Stage 1 of the PWSA Compliance Plan.”<sup>12</sup> In its *February 2021 Order*, the Commission reiterated this point, noting that it would continue to entertain resolution of those conflicts within Stage 2 of the Compliance Plan.<sup>13</sup>

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<sup>6</sup> 66 Pa.C.S. §§ 1401-1418.

<sup>7</sup> 52 Pa. Code §§ 56.1-56.453.

<sup>8</sup> 66 Pa.C.S. §§ 1521-1533.

<sup>9</sup> *Implementation of Chapter 32 of the Public Utility Code Regarding Pittsburgh Water and Sewer Authority – Stage I*, Docket Nos. M-2018-2640802 (water) and M-2018-2640803 (wastewater), Secretarial Letter dated May 15, 2019.

<sup>10</sup> *November 2018 Secretarial Letter* at 3.

<sup>11</sup> *Pa. P.U.C. v. Pittsburgh Water and Sewer Authority*, Docket Nos. R-2020-3017951 and R-2020-3017970 (Order entered December 3, 2020).

<sup>12</sup> *November 2018 Secretarial Letter* at 4.

<sup>13</sup> *February 2021 Order* at 65.

In further support of this Petition, PWSA states as follows:

## **II. BACKGROUND**

1. On April 1, 2018, the PWSA's water<sup>14</sup> and wastewater<sup>15</sup> operations became subject to regulation by the Commission pursuant to Section 3202(a)(1) of the Public Utility Code.<sup>16</sup>

2. On September 28, 2018, as directed by the Chapter 32 of the Public Utility Code,<sup>17</sup> PWSA filed both its Compliance Plan<sup>18</sup> and its LTIP<sup>19</sup> with the Commission.<sup>20</sup>

3. The parties were able to reach an agreement on a vast majority of the issues on Stage 1 of the Compliance Plan, and, on September 13, 2019, the parties filed a Joint Petition for Partial Settlement ("Joint Petition" or "Partial Settlement").

4. In their Recommended Decision ("RD"), the Administrative Law Judges ("ALJs") found that the Partial Settlement was in the public interest and recommended its approval without modification. The RD also made recommendations on the topics and issues upon which the parties could not agree. Regarding the litigated issues, PWSA, the Bureau of Investigation and Enforcement ("I&E"), the Office of Consumer Advocate ("OCA"), the Office of Small Business

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<sup>14</sup> PWSA provides water service to approximately 80,000 residential, commercial and industrial customers in: portions of the City of Pittsburgh (Pittsburgh or City); the Borough of Millvale; and portions of Reserve, O'Hara, and Blawnox Townships, Allegheny County.

<sup>15</sup> PWSA provides wastewater conveyance service to customers located in the City and conveys wastewater for portions of twenty-four (24) neighboring communities.

<sup>16</sup> 66 Pa. C.S. § 3202(a)(1).

<sup>17</sup> 66 Pa.C.S. § 3201 to 3209. On December 21, 2017, Governor Wolf signed Act 65 of 2017 into law whereby the Pennsylvania Public Utility Code was amended to add new language to 66 Pa.C.S. § 1301 and to add a new Chapter 32 consisting of Sections 3201 through 3209, 66 Pa.C.S. § 3201, et seq. ("Act 65" or "Chapter 32").

<sup>18</sup> Docket Nos. M-2018-2640802 (water) and M-2018-2640803 (wastewater).

<sup>19</sup> Docket Nos. P-2018-3005037 (water) and P-2018-3005039 (wastewater).

<sup>20</sup> See 66 Pa.C.S. § 3204(b). The Commission established a due date of September 28, 2018, for the filing by PWSA of a Compliance Plan and a LTIP. See *Implementation of Chapter 32 of the Public Utility Code*, Docket Nos. M 2018-2640802 (water) and M-2018-2640803 (wastewater), (Final Implementation Order entered Mar. 15, 2018 ("FIO")).

Advocate (“OSBA”), and Pittsburgh UNITED (“UNITED”) filed Exceptions on November 18, 2019 and Replies to Exceptions on December 3, 2019.

5. In the Opinion and Order entered on March 26, 2020 (“*March 2020 Order*”), the Commission adopted, as modified, the Partial Settlement. Modifications to the Partial Settlement centered on the partial replacement of lead service lines. The Commission also adjudicated the issues that were not resolved by the Partial Settlement.

6. On April 10, 2020, PWSA filed a Petition for Reconsideration, Clarification and/or Amendment, and UNITED filed a Petition for Reconsideration and Clarification. On April 20, 2020, I&E, OSBA and UNITED filed Answers to the PWSA Petition, and PWSA filed an Answer to the UNITED Petition.

7. By Opinion and Order entered on June 18, 2020 (“*June 2020 Order*”), the Commission ordered that the modifications to the Partial Settlement set forth in the *March 2020 Order* relating to partial Lead Service Line Replacements (“LSLRs”) be held in abeyance while the parties conferred on the remaining issues. The Commission also directed PWSA to file its Proposal for addressing these issues by September 16, 2020.<sup>21</sup>

8. Upon the request of PWSA, the Commission granted a 14-day extension, making the Proposal on LSLRs due by September 30, 2020. PWSA filed its Proposal on September 30, 2020, and OCA and UNITED filed their respective Comments to the Proposal on October 15, 2020. PWSA filed Reply Comments on October 26, 2020.

9. Through its *February 2021 Order*, the Commission resolved the contested issues relating to PWSA’s Proposal for partial LSLRs. Further, as the *February 2021 Order* provided resolution of the remaining Stage 1 Compliance Plan issues that have not otherwise been deferred to

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<sup>21</sup> June 2020 Order at 158.



Stage 2, the Commission found it appropriate to provide direction regarding the commencement of Stage 2 of the Compliance Plan proceeding.

10. In the *February 2021 Order*, the Commission reiterated directives originally set forth in a Secretarial Letter dated January 24, 2020 (“*January 2020 Secretarial Letter*”), where it provided additional direction regarding Stage 2 of PWSA’s Compliance Plan.

11. In the *January 2020 Secretarial Letter*, the Commission directed that Stage 2 of PWSA’s Compliance Plan shall proceed as follows:

- Filing of Stage 2 Compliance Plan by PWSA within 60 days;
- Filing of comments by stakeholders within 20 days after filing of Stage 2 Compliance Plan;
- Issuance of Secretarial Letter by the Commission assigning Stage 2 to the OALJ, including Staff’s directed questions relating to: (a) PWSA compliance with Chapter 14 of the Public Utility Code and Chapter 56 of the Commission’s regulations, and (b) PWSA operations as a regulated stormwater utility, within 45 days after filing of Stage 2 Compliance Plan;
- Evidentiary hearings conducted by OALJ to address the Stage 2 Initial Report and directed questions; and
- Issuance of Recommended Decision by OALJ within 9 months of receiving the assignment of Stage 2 Compliance Plan.

12. PWSA is simultaneously filing two Stage 2 Compliance Plans - one for Stormwater and one for Customer Service Issues. By this Petition, PWSA seeks no substantive modifications of the *February 2021 Order*. Rather, PWSA requests only that the Commission amend the *February 2021 Order* to modify the procedural track for addressing PWSA’s Stage 2 Compliance Plan for Customer Service Issues.

13. By this Petition, PWSA is proposing an alternative procedural track. Rather than implementing the process set forth in the *January 2020 Secretarial Letter*, which was reiterated in the *February 2021 Order* and is described above, PWSA proposes the following:

- Filing of Stage 2 Compliance Plan by PWSA on April 9, 2021;
- Establishment of a time period for informal discovery and workshops among the parties and with Staff;
- Filing of comments by stakeholders within 20 days after conclusion of the informal discovery and workshop period;
- Issuance of an Order by the Commission, of which the Commission would determine the scope and which could detail its initial review of PWSA's Stage 2 Compliance Plan and provide additional direction, such as:
  - Direct the further procedural process for review;
  - Seek additional information from PWSA;
  - Provide another comment period or schedule further workshops, upon receipt of that additional information (similar to the process the Commission uses during the review of a universal service plan);
  - Identify specific areas in which the Commission tentatively concludes that PWSA is or is not in compliance;
  - Offer PWSA another opportunity to explain how it will come into compliance without the need to refer the issue(s) to OALJ; and
  - Detail specific areas that the Commission has determined would be best addressed through the OALJ process, including the issuance of Directed Questions.
- Assignment of remaining issues in dispute to the OALJ;
- Evidentiary hearings conducted by OALJ to address the unresolved issues in the Stage 2 Compliance Plan and Directed Questions; and
- Issuance of Recommended Decision by OALJ within 9 months of receiving the assignment of Stage 2 Compliance Plan.

14. The purpose of the requested modifications is to establish a process that permits continued informal dialogue with Commission staff and interested stakeholders to more quickly identify which issues may be addressed without the need for litigation. Pending issuance of the Commission's Order, the parties could conduct formal or informal discovery to obtain additional information from PWSA, and the parties could engage in settlement discussions. Significantly, as an informal proceeding that has not yet been referred to the OALJ, PWSA anticipates that Commission staff would be actively involved in the process. Involvement of Commission staff is critically important because they can provide the parties with perspective to ideally avoid a future situation where the parties submit a settlement, after a litigation, and the Commission issues an order rejecting the terms. In PWSA's view, taking the time now in this process to be able to receive the feedback from Commission staff is an efficient way to proceed. PWSA expects that the proposed changes to the process would significantly narrow disputed issues, prior to the Stage 2 Compliance Plan being referred to the OALJ for evidentiary hearings and the issuance of a decision. Such narrowing will help guide the parties to focus their efforts during the litigation on the issues that might benefit from the development of a record to assist the Commission in reaching a final conclusion.

### **III. LEGAL STANDARDS FOR RECONSIDERATION**

15. The Public Utility Code establishes a party's right to seek relief following the issuance of a decision.<sup>22</sup> Such requests for relief must be consistent with Section 5.572 of the Commission's regulations.<sup>23</sup>

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<sup>22</sup> 66 Pa.C.S. § 703(f) relating to rehearings and § 703(g), relating to the rescission, clarification and amendment of orders.

<sup>23</sup> 52 Pa. Code § 5.572, relating to petitions for relief following the issuance of a final decision.

16. Under Section 703(g) of the Public Utility Code, the Commission “may, at any time, after notice and opportunity to be heard...rescind or amend any order made by it.”<sup>24</sup> Section 5.572(d) permits parties to file petitions for rescission or amendment at any time.<sup>25</sup>

17. It is well settled that petitions made pursuant to Section 5.572 of the Regulations or 703(g) of the Public Utility Code may properly raise any matters designed to convince the Commission that it should exercise its discretion to rescind or amend a prior order in whole or in part.<sup>26</sup> The standards for granting a petition for reconsideration, clarification, amendment or rescission were set forth in *Duick v. Pennsylvania Gas and Water Company*.<sup>27</sup>

18. Under the standards set forth in *Duick*, such petitions may properly raise any matter designed to convince the Commission that it should exercise its discretion to amend or rescind a prior Order, in whole or in part. Such petitions should succeed when they raise “new and novel arguments” not previously heard or considerations that appear to have been overlooked or not addressed by the Commission or in the record.<sup>28</sup> PWSA’s specific requests for reconsideration, amendment or clarification below explain why the Petition meets the *Duick* standards.

#### **IV. ARGUMENT**

##### **A. Modification of the Procedural Schedule Would Facilitate Settlement Discussions and Likely Lead to a Narrowing of the Issues in Dispute**

19. Amendment of the procedural schedule for the Stage 2 Compliance Plan proceeding for Customer Service Issues, which the Commission originally established by the *January 2020 Secretarial Letter* and reiterated in the *February 2021 Order*, is warranted to enable the creation of

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<sup>24</sup> 66 Pa.C.S. § 703(g).

<sup>25</sup> 52 Pa. Code § 5.572(d).

<sup>26</sup> *West Penn Power Co. v. Pa. Public Utility Commission*, 659 A.2d 1055, 1065 (Pa. Cmwlth. 1995).

<sup>27</sup> *Duick v. Pennsylvania Gas and Water Co.*, Docket No. C-R0597001 et al., Order entered December 17, 1982; 56 Pa. P.U.C. 553 (1982).

<sup>28</sup> *Duick*, 56 Pa. P.U.C. at 559.

a process that facilitates the efforts of the parties to amicably resolve many issues and significantly narrow the disputed matters. Of note, when afforded the time to work through the issues in the Stage 1 Compliance Plan proceeding, the parties were able – after discussions and discovery, and with no litigation – to reach agreement regarding 75% of the 185 discrete issues they identified as part of that proceeding.<sup>29</sup>

20. The key factor that was not known when the Commission issued the *January 2020 Secretarial Letter*, setting forth the procedural schedule, is how the timing of the Stage 2 Compliance Plan proceeding would conflict with PWSA’s next base rate case. Indeed, when PWSA filed its 2020 base rate case on March 6, 2020, it proposed a multi-year plan, which would have avoided the need for the filing of a rate case in 2021. However, that proposal was opposed by the parties and was not made part of the Settlement, which was filed on September 30, 2020 and approved without modification by the Commission on December 3, 2020. PWSA plans to file its next rate case on or about April 13, 2021 at docket numbers R-2021-3024772 (water), R-2021-3024774 (wastewater) and R-2021-3024779 (stormwater) with the rates to be effective on January 13, 2022. Under a typical litigation schedule for a base rate proceeding, discovery would commence immediately.

21. The table below shows the Commission’s procedural schedule for the Stage 2 Compliance Plan, along with a procedural schedule that is representative of typical base rate cases.

Stage 2 Compliance Plan Proceeding	Current Procedural Schedule <sup>30</sup>	2021 Base Rate Case Proceeding	Possible Procedural Schedule
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<sup>29</sup> *Implementation of Chapter 32 of the Public Utility Code Regarding Pittsburgh Water and Sewer Authority – Stage 1*, Docket Nos. M-2018-2640802 (water) and M-2018-2640803 (wastewater) (Order entered at March 26, 2020 at p. 15).

<sup>30</sup> The only known dates are for Stage 2 Compliance Plan, Comments by Stakeholders, Secretarial Letter and Recommended Decision. The others are possible dates based on other procedural schedules for litigated proceedings.

Stage 2 Compliance Plan	4/9/21	Base Rate Case	4/13/21
Comments by Stakeholders	4/29/21	Discovery - Ongoing	N/A
Secretarial Letter-Referral to OALJ and Directed Questions	5/24/21	Suspension Order	5/6/21
Prehearing Conference	5/29/21	Prehearing Conference	5/20/21
Direct Testimony-PWSA	6/9/21	Direct Testimony-PWSA	N/A
Direct Testimony-Other Parties	7/9/21	Direct Testimony-Other Parties	7/1/21
Rebuttal Testimony	8/9/21	Rebuttal Testimony	8/2/21
Surrebuttal Testimony	8/23/21	Surrebuttal Testimony	8/16/21
Evidentiary Hearings/Rejoinder	9/6-9/8/21	Evidentiary Hearings/Rejoinder	9/1-9/3/21
Main Briefs	9/22/21	Main Briefs	9/17/21
Reply Briefs	10/6/21	Reply Briefs	10/1/21
Recommended Decision	11/19/21	Recommended Decision	11/12/21
Commission Order	N/A	Commission Order	1/13/22

22. While the projected dates for procedural schedules are subject to many modifications, what is clear is that under the current scenario, the parties would be litigating the 2021 Base Rate Case proceeding nearly simultaneously with the Stage 2 Compliance Plan proceeding. The only significant variable is that the Commission has a statutory timeframe for adjudicating the 2021 Base Rate Case proceeding but has no such timeline for the Stage 2 Compliance Plan proceeding.

23. It takes a great deal of dedication and time for the parties, who are all involved in numerous other complex proceedings, to discuss the issues in a way that allows them to reach consensus on as many issues as possible.

24. In the *February 2021 Order*, the Commission referred to the Secretarial Letter issued on November 28, 2018 (“*November 2018 Secretarial Letter*”), which created two stages for review of the PWSA Compliance Plan. Further, the Commission determined at that time that the focus for Stage 2 would be on Chapter 56 billing and collection issues and the development of a

stormwater tariff.<sup>31</sup> By the *November 2018 Secretarial Letter*, the Commission indicated that “to the extent that perceived conflicts may arise between the PWSA rate proceeding and the staged litigation of the PWSA Compliance Plan, the Commission would entertain resolution of those conflicts by motion or petition within Stage 1 of the PWSA Compliance Plan.” In its *February 2021 Order*, the Commission reiterated this point, noting that it would continue to entertain resolution of those conflicts within Stage 2 of the Compliance Plan.<sup>32</sup>

25. As a modification of the procedural schedule would reduce scheduling conflicts, it would facilitate the efforts of the parties to amicably resolve as many issues as possible in the Stage 2 Compliance proceeding, as well as the 2021 Base Rate Case proceeding.

26. Therefore, PWSA respectfully requests that the Commission grant this Petition so that the parties have a better opportunity to resolve as many issues as possible.

**B. Modification of the Procedural Schedule Would be an Efficient Way to Address Myriad of Customer Service Issues so that Only those Issues that the Commission Identifies for Litigation Need to be Referred to the OALJ.**

**1. PWSA’s proposed procedural schedule would establish an orderly and efficient process**

27. PWSA’s Stage 2 Compliance Plan has set forth in great detail its current processes and procedures for complying with Chapter 14, Chapter 56, DSLPA, and its collection efforts aimed at reducing uncollectible levels. Many of these processes have evolved since April 2018 when PWSA first became subject to the jurisdiction of the Commission. This evolution has occurred as a result of numerous litigated proceedings as well as more typical everyday interactions between the utility and Commission staff. PWSA expects that its processes will continue to evolve in a similar manner going forward regardless of how the procedural process is established for Stage 2. As such,

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<sup>31</sup> *November 2018 Secretarial Letter* at 3.

<sup>32</sup> *February 2021 Order* at 65.

it is important to remember that neither PWSA, the Commission nor stakeholders have back-burned these issues nor to view PWSA's request here as an effort to delay resolution. On the contrary, PWSA believes that implementing its proposed process here offers the quickest, most efficient path toward finally concluding the compliance process for customer service issues. In contrast and based on its prior experience (to include the timing of the litigation of PWSA's initial rate case and Stage 1 Compliance Plan), PWSA is concerned that moving the Stage 2 Compliance Plan for Customer Service Issues into litigation mode would likely result in an unwieldy proceeding.

28. By establishing an informal discovery process upon receipt of PWSA's Stage 2 Compliance Plan, the parties and Commission staff can seek a better understanding of PWSA's processes through the benefit of discussions (rather than litigation). PWSA seeks the opportunity to work with Commission staff and the parties to identify issues and work toward resolving them in an amicable way. Informal discovery could commence immediately while the parties review the Stage 2 Compliance Plan, and focused workshops could be scheduled to enable a more full and frank discussion among the participants about PWSA's processes and revisions that may be needed to align with the positions of Commission staff and interested stakeholders. Identifying these issues and permitting PWSA to get to work on implementing this valuable feedback prior to the matter being referred to OALJ for hearings serves the best interest of the public and potentially leaves a more narrowly tailored litigation process for those items as may be needed.

29. In PWSA's view, narrowing the issues in dispute at the time the matter is referred to OALJ is likely to result in a more orderly and manageable proceeding while permitting PWSA to work on implementing the agreements reached during the collaborative process.

2. **The Commission has recognized the need to address Chapter 56 and related issues with stakeholders**



30. The Commission issued a Secretarial Letter dated January 31, 2019 announcing its intention to conduct a workshop on February 21, 2019 for the purpose of discussing “PWSA’s compliance with billing and collections requirements of Chapter 14 of the Public Utility Code and Chapter 56 of the Commission’s regulations.” According to the Secretarial Letter, the input provided during the workshop would be used to develop the Commission’s Stage 2 review of PWSA’s Compliance Plan. The Commission also stated that this will be the first of four workshops that will be scheduled in 2019 to obtain stakeholder input. Further workshops were held on April 23, 2019, July 25, 2019, and November 4, 2019.

31. Moving quickly into litigation mode would deprive PWSA and the stakeholders of the opportunity to obtain input on the Customer Service Issues from the Bureau of Consumer Services (“BCS”), which hampered discussions among the stakeholders in the early BCS workshops given the uncertainty about what issues the Commission intended to be in Stage 1 or Stage 2. For example, PWSA’s customer service termination process includes not only the notices that are given to customers but when such notices are given, how they are provided, what avenues are available for specific customers to pursue depending on their factual circumstance and what actions are appropriate for PWSA to aggressively pursue collections of delinquent accounts. Thus, by including the format and process for PWSA’s service termination process in Stage 1, the parties and Commission staff were not comfortable addressing any topic touching on those areas during the Stage 2 workshops. As this hampered the Stage 2 workshop discussions, the parties concluded that continuing those issues in the Stage 1 litigation could be an obstacle in the way of making forward progress.

32. Once that barrier was removed and the issues were formally moved into Stage 2, there was an ability to discuss in the BCS workshops all issues because none remained in the

pending litigations. While the BCS workshops to date focused mostly on PWSA explaining its processes (which has now been memorialized in writing in the Stage 2 Compliance Plan), at this stage in PWSA's transition it believes that the next round of Stage 2 Workshops would be an invaluable way for Commission staff to offer specific suggestions and guidance as to areas that PWSA may still need to address. Such guidance would be informed by a review of all the information provided to date by PWSA in the Stage 2 workshops, in its written Stage 2 Compliance Plan and any additional information provided during the informal discovery process. Armed with such guidance, PWSA can evaluate how to proceed and whether its processes can be revised accordingly. Through informal discussions with the stakeholders and receiving the benefit of feedback from BCS, PWSA could work on issues that are identified as potentially in non-compliance as soon as possible, without the distraction of a litigated proceeding.

33. Of note, PWSA is undergoing significant upgrades to implement a new Enterprise Resource Planning system, which is scheduled to go live in August 2022. As these upgrades are currently in the planning stages, now is a good time to design systems and operations that in Staff's view are better equipped to comply with Customer Service Issues. The sooner PWSA gets this direction from Staff, the sooner PWSA can achieve compliance. However, immediately launching a litigated proceeding means that PWSA will not have the opportunity to discuss these issues with BCS.

34. Accordingly, amendment of the *February 2021 Order* is warranted so that Customer Service Issues may proceed in an orderly fashion with stakeholders and BCS offering input to PWSA, so that efforts can begin as soon as possible to achieve compliance with those issues that are identified as potentially needing further attention.

**V. CONCLUSION**

For the reasons set forth above, PWSA respectfully requests that the Commission (1) grant this Petition; (2) amend its Order in the above captioned matter consistent with the discussion herein; and, (3) grant any other relief in favor of PWSA as may be just and proper under the circumstances.

Respectfully submitted,



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Date: April 9, 2021

Attorneys for  
The Pittsburgh Water and Sewer Authority

**VERIFICATION**

I, Julie A. Quigley, hereby state that: (1) I am the Director of Customer Service for The Pittsburgh Water and Sewer Authority ("PWSA"); (2) the facts set forth in the foregoing Petition for Amendment are true and correct (or are true and correct to the best of my knowledge, information and belief); and, (3) 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: 04/09/2021 | 9:33 AM PDT

DocuSigned by:

*Julie A. Quigley*

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Julie A. Quigley  
Director of Customer Service  
The Pittsburgh Water and Sewer Authority