



April 28, 2021

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

Re: Implementation of Chapter 32 of the Public Utility Code Re: Pittsburgh Water and Sewer Authority, Docket Nos. M-2018-2640802, 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, P-2018-3005039

Pittsburgh United's Answer to the 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

Dear Secretary Chiavetta:

Attached for filing, please find the **Answer of the Pittsburgh United to the 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**, at the above noted dockets.

Copies were served electronically consistent with the attached certificate of service.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John W. Sweet", is written over a faint, light-colored rectangular stamp or background.

John W. Sweet, Esq.
Counsel for Pittsburgh United

CC: Certificate of Service

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	:	
	:	
Petition of the 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 have, on this day, served copies of the **Answer of the Pittsburgh United to the 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** in the above captioned matter upon the following persons and in accordance with the requirements of 52 Pa. Code § 1.54, and consistent with the Commission’s March 20 Emergency Order at Docket M-2020-3019262.

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Dated: April 28, 2021

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Implementation of Chapter 32 of the Public	:	Docket Nos.	M-2018-2640802
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	:		
Petition of the Pittsburgh Water and Sewer	:	Docket Nos.	P-2018-3005037
Authority for Approval of Its Long-Term	:		P-2018-3005039
Infrastructure Improvement Plan	:		

**ANSWER OF THE PITTSBURGH UNITED TO THE 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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April 28, 2021

I. INTRODUCTION

Pursuant to the provisions of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (PUC or Commission), 52 Pa. Code §§ 5.61(e), 5.71-.76, Pittsburgh United,¹ through its counsel at the Pennsylvania Utility Law Project, hereby files this Answer to the Petition of the Pittsburgh Water and Sewer Authority (PWSA) for Amendment of the Commission's February 4, 2021 Final Order Regarding Procedural Process For Customer Service and Collections Issues (Petition) filed by PWSA on April 9, 2021.

As set forth in this Answer, Pittsburgh United is not opposed to a modest extension of the schedule to allow for informal discovery, collaboration, and workshops as set forth in the Petition. However, the addition of an informal process prior to referral to the OALJ should be brief, not to exceed 45 days, and must not shorten the litigation timeframe once the case is referred the OALJ. While we are optimistic that this additional informal process may narrow some of the peripheral issues in this proceeding, we note that many of the key issues at bar regarding termination, collections, billing, and tenant accounts have been subject to dispute since 2018 through the course of multiple rate cases, the Stage 1 Compliance Plan proceeding, and the BCS-led stakeholder process. Pittsburgh United agreed in the context of Settlement to defer these issues for litigation in Stage 2, but it is clear to us that many issues will remain unresolved through an additional

¹ Pittsburgh United's Petition to Intervene in this proceeding was granted by Deputy Chief Administrative Law Judge Mark A. Hoyer and Administrative Law Judge Conrad A. Johnson on December 27, 2018, at the outset of litigation of PWSA's State 1 Compliance Plan. See Implementation of Chapter 32 of the Public Utility Code Regarding Pittsburgh Water and Sewer Authority, Prehearing Order, Docket Nos. M-2018-2640802, -2640803, at 5 (order entered Dec. 27, 2018). Pittsburgh United is a coalition of community, labor, faith, and environmental organizations committed to advancing the vision of a community and economy that works for all people. Pittsburgh United members work collectively to build a community whereby all workers are able to care for themselves and raise their families, sharing in the prosperity generated by economic growth and development. Pittsburgh United has a critical interest in ensuring, on behalf of its members, that PWSA's transition to Commission oversight is conducted in a timely and organized manner to protect the interests of Pittsburgh's residents, particularly low-income Pittsburgh families who struggle most to connect to and maintain water service. Pittsburgh United, its member organizations, and the individuals and families those organizations serve are located within PWSA's service territory and will be directly affected by the outcome of this proceeding.

informal stakeholder process. The reason these issues were deferred, in part, was to allow adequate time to develop a record that is focused on customer billing, collections, and termination processes and procedures. Shortening the timeframe for litigation, in favor of additional informal process, would impact the due process rights of stakeholders by curtailing their ability to conduct a meaningful evaluation. Thus, any extension of the procedural schedule added to the front end of litigation must also be added to the deadline for a final order in this case.

Additionally, Pittsburgh United opposes PWSA's proposal to add a Tentative Order (TO) prior to the Stage 2 Compliance Plan proceeding being referred to the OALJ. Issuing a TO as proposed in the Petition would add significant time to the resolution of these critical issues, and may serve to improperly narrow the scope issues before parties are able to formally investigate the filing before the OALJ, and would foreclose a robust proceeding to ensure that PWSA reaches full compliance with Commission regulation.

As such, and for the reasons explained more thoroughly below, Pittsburgh United respectfully requests that the Commission grant in part and deny in part the Petition in accordance with this Answer. In support thereof, Pittsburgh United states as follows:

II. BACKGROUND

1. Admitted.
2. Admitted.
3. Admitted in part, denied in part. Pittsburgh United admits that the parties were able to reach an agreement on many of the issues raised in the Stage 1 Compliance Proceeding, and that the parties filed a Joint Petition for Partial Settlement on September 13, 2019 (Joint Petition or Partial Settlement). However, several key issues were deferred for consideration in the Stage 2 Compliance Plan proceeding – including issues related to PWSA's termination

notices and processes. Despite extensive discussion and negotiation, parties were unable to reach Settlement on these issues in the Stage 1 Compliance Plan proceeding. While further collaboration on these issues might be useful in ultimately reaching an amicable resolution between the parties, these issues have already been extensively discussed among the parties without resolution. Thus, it is essential that the parties are given adequate opportunity to investigate the full range of issues in the Stage 2 Compliance Plan through a formal process before the OALJ.

4. Admitted.

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted.

9. Admitted.

10. Admitted.

11. Admitted. By way of further answer, in its January 2020 Secretarial Letter, the Commission indicated that it would issue directed questions via a Secretarial Letter prior to referral to the OALJ. The Commission did not, however, suggest that it was appropriate to issue a TO prior to referral to the ALJ that would tentatively conclude in which areas PWSA was and was not compliant. Issuing the TO as proposed by the instant Petition would curtail the issues to be examined before the OALJ before the parties were given an opportunity to conduct discovery and adequately investigate and develop a formal record in the Stage 2 Compliance Plan filing.

12. Admitted in part, denied in part. Pittsburgh United admits that PWSA simultaneously filed two Stage 2 Compliance Plans – one for Stormwater and one related to Customer Service issues. However, Pittsburgh United avers that PWSA’s proposal that a TO be issued before the case is referred to the ALJ would constitute a substantive modification of the February 2021 Order, which could potentially curtail the due process rights of stakeholders and the ability of the parties to develop a full record in this proceeding.
13. Denied. Pittsburgh United opposes the proposed alternative procedural process set forth in PWSA’s Petition. Pittsburgh United does not oppose an extension of the procedural schedule to allow for additional informal discovery and workshops prior to assignment to the ALJ, provided the timeframe for issuance of a final order is also extended. However, Pittsburgh United opposes the issuance of a TO prior to referral to an OALJ. The addition of a TO into this process will serve to further delay resolution of critical issues which impact the ability of consumers to maintain water and wastewater to their homes consistent with all standards in the Public Utility Code. Given the numerous complex issues involved in the Stage 2 proceeding, we are also concerned that issuing a TO in which the Commission tentatively concludes that PWSA is in compliance with certain areas – based only on informal discussions – would preclude robust consideration of issues before the OALJ before the parties are able to conduct formal discovery or a full investigation before an ALJ. While Pittsburgh United is not opposed to a modest extension to allow for further informal discussions, we note that the same parties will be engaged in litigation of PWSA’s recently filed base rate proceeding – which will create a strain on time and resources, and could again present *ex parte* concerns. This is the same issue that curtailed the parties from fully engaging in the BCS-led stakeholder process. As a result, it is unclear how

extensively the parties will be able to engage in informal discovery and discussions prior to referral to the OALJ, or the extent to which BCS will be able to provide PWSA and other parties with feedback about issues in the Stage 2 Compliance Plan proceeding. Given the uncertainties inherent in the informal process suggested by PWSA, it is imperative that parties are able to conduct a full and robust investigation of the Stage 2 Compliance Plan filing in order to ensure that PWSA's policies and practices comply with Commission regulation.

14. Admitted in part. Pittsburgh United admits that informal dialogue with Commission staff and interested stakeholders might be helpful in order to identify which issues may be addressed without the need for further litigation. Pittsburgh United agrees that feedback from Commission staff would help to provide the parties with perspective that might potentially avoid the Commission rejecting future Settlements. Pittsburgh United is without information or knowledge sufficient to form a belief about the extent that Commission staff will be able to be involved in the informal discussions prior to referral to the OALJ, given the ongoing litigation of PWSA's base rate case. As previously discussed, it remains unclear how extensively parties will be able to conduct informal discovery prior to referral to the OALJ. Pittsburgh United therefore opposes the issuance of a TO prior to referral to OALJ which would tentatively conclude areas in which PWSA was in compliance and therefore limit the scope of investigation before the OALJ.

III. LEGAL STANDARDS FOR RECONSIDERATION

15. Admitted.
16. Admitted.
17. Admitted.

18. Admitted.

IV. ARGUMENT

A. Pittsburgh United is not opposed to a moderate extension of the procedural schedule given the complex issues and competing deadlines involved in the Stage 2 Compliance Plan proceeding, but it is improper to narrow the issues in dispute through the issuance of a TO or to otherwise limit the length of time provided for litigation.

19. Admitted in part, denied in part. Pittsburgh United admits that amendment of the procedural schedule for the Stage 2 Compliance Plan proceeding for customer service issues, which the Commission established by the January 2020 Secretarial Letter and reiterated in its February 2021 Order, is warranted to enable creation of a process that facilitates the efforts of the parties to amicably resolve many issues. Pittsburgh United further admits that, when the parties were afforded the time to work through the issues in the Stage 1 Compliance Plan proceeding, the parties were able to reach an agreement regarding 185 discrete issues they identified as part of the proceeding, though we note that agreement was only reached after a substantial amount of formal investigation and litigation – including the development of multiple rounds of expert testimony. Moreover, the resolution reached on a number of these issues was simply to defer the matter to another proceeding. Ultimately, Pittsburgh United does not oppose PWSA’s request that the parties be granted an initial period of informal discovery and workshops, *with the condition that there is no curtailment of the time or process available before the OALJ*. However, any such extension must not exceed 45 days so that these vital issues can be timely addressed. Pittsburgh United denies that it is reasonable for the Commission to issue a TO before the parties are able to fully investigate and develop a formal record regarding the Stage 2 Compliance Plan filing. Insertion of a TO into the process will serve to further delay the ultimate resolution of these important issues, and may serve to curtail the ability of the

parties to investigate and pursue issues not addressed by a TO. Pittsburgh United opposes the issuance of a TO prior to assignment to the OALJ.

20. Admitted in part. By way of further answer, when PWSA agreed to the Settlement in its last rate case filing, PWSA – and the other parties to the proceeding – were on notice of the competing deadlines set by the January 2020 Secretarial Letter. As discussed above, while Pittsburgh United does not oppose a moderate extension of the procedural schedule in this matter in light of the rate case filed on April 13, 2021, the complexity of issues involved in the Stage 2 Compliance Plan proceeding, and the parties’ various resource constraints, Pittsburgh United opposes PWSA’s proposal for the Commission to enter a TO prior to the parties having an opportunity to adequately investigate the Stage 2 Compliance Plan filing. Doing so would serve to further delay resolution of critical compliance issues and may narrow the scope of the issues before the OALJ.
21. Admitted in part, denied in part. Pittsburgh United admits to PWSA’s reiteration of the dates set forth by PWSA in this paragraph related to the filing of the Stage 2 Compliance Plan, Comments by Stakeholders, issuance of the Secretarial Letter, and issuance the Recommended Decision. The remainder of the procedural schedule set forth by PWSA in this paragraph is speculative, has not been agreed to by the parties in this proceeding, and is therefore denied by Pittsburgh United.
22. Admitted in part. Pittsburgh United admits that, while the projected dates for procedural schedules are subject to many modifications, the parties would be litigating PWSA’s 2021 base rate filing nearly simultaneously with the Stage 2 Compliance Plan proceeding. Pittsburgh United also admits that, while the Commission has a statutory timeframe for adjudicating the 2021 base rate case, it has no such required timeframe for the Stage 2

Compliance Plan proceeding. As the Stage 2 Compliance Plan proceeding involves several complex issues that must be examined by the parties and the Commission in detail, it is crucial that the procedural process for the Stage 2 Compliance Plan proceeding not curtail the parties ability to conduct meaningful discovery and litigate the compliance issues before the OALJ. Pittsburgh United agrees a period of informal stakeholder discussion and workshops prior to assignment to the OALJ might be useful for the parties to discuss initial issues identified in the Stage 2 Compliance Plan filing. However, it is unclear in PWSA's Petition the extent to which parties will be able to conduct informal discovery prior to referral to the OALJ, given PWSA will be otherwise occupied responding to rate case discovery at the same time. It is also unclear the extent to which BCS will be able to provide feedback related to the Stage 2 Compliance Plan filing prior to referral to the OALJ, again because of the ongoing base rate case. Given the uncertainties surrounding the proposed informal process, it would be premature for the Commission to issue a TO– based solely on an informal process – that would extend the timeframe for resolution of critical issues and could potentially limit the issues examined before the OALJ prior to parties having adequate time to investigate the Stage 2 Compliance Plan before the OALJ.

23. Admitted. By way of further answer, many of the issues central to the Stage 2 Compliance Plan proceeding were deferred from the Stage 1 Compliance Plan proceeding. As such, the parties previously had extensive time to discuss these issues in an attempt to reach consensus. Pittsburgh United does not deny that discussions with other parties in complex proceedings is important to reaching consensus on various contested issues, and we are ready and willing to engage. But again, the extent to which parties will be able to meaningfully engage in an informal process and reach consensus on issues is uncertain

given the time constraints associated with the ongoing rate case and the prior the inability to reach consensus on many of these issues through prior proceedings.

24. Admitted.

25. Admitted in part. Pittsburgh United admits that a modification to the procedural schedule would likely reduce scheduling conflicts with PWSA's recent rate filing, and may help to facilitate the efforts of the parties to amicably resolve as many issues as possible in the Stage 2 Compliance proceeding and the 2021 rate filing. However, and as previously discussed, Pittsburgh United is opposed to PWSA's proposal that the Commission issue a TO prior to referral to the OALJ, as it may narrow the scope of litigation and improperly curtails the parties' ability to conduct formal discovery and investigate the Stage 2 Compliance Plan filing. As a result, important issues with PWSA's customer service compliance may be missed. While Pittsburgh United is not opposed to a modest extension of the schedule to allow for an informal process at the outset of the Stage 2 Compliance Plan proceeding, Pittsburgh United is opposed to any curtailment of issues before the OALJ. Pittsburgh United also opposes any curtailment of the timeframe for the parties to investigate the Stage 2 Compliance Plan before the OALJ prior to the issuance of a Recommended Decision.

26. Denied. Pittsburgh United opposes PWSA's proposed alternative procedural process as set forth in the instant Petition. In order to provide the parties with sufficient opportunity to investigate and resolve as many issues as possible, Pittsburgh United does not oppose a modest additional period of informal discovery and workshops – provided that this additional period does not reduce the timeframe for litigation before the ALJ and does not exceed 45 days – but Pittsburgh United strongly opposes the issuance of TO that would

serve to further delay resolution of critical issues and may prematurely limit areas in which PWSA is in compliance prior to referral to the OALJ.

B. Modification of the Procedural Process as suggested by the Petition would improperly limit investigation of customer service issues prior to the parties being given the opportunity to fully investigate the Stage 2 Compliance Plan filing before the OALJ.

1. PWSA's proposed procedural process would curtail parties ability to fully investigate the Stage 2 Compliance Plan filing.

27. Admitted in part, denied in part. Pittsburgh United admits that PWSA's Stage 2 Compliance Plan sets forth what PWSA alleges to be its current processes and procedures for complying with Chapter 14, Chapter 56, the DSLPA, and its collection efforts aimed at reducing uncollectible levels. Pittsburgh United also admits that many of these processes have evolved since PWSA came under the Commission's jurisdiction as a result of various litigated proceedings and the Commission's guidance. Pittsburgh United further admits that some adjustment to the current procedural process for the Stage 2 Compliance Plan proceeding is warranted, given the complexity of issues in the proceeding and the timing of PWSA's recently filed base rate case. However, Pittsburgh United opposes PWSA's proposed alternative procedural process set forth in the Petition and denies that PWSA's proposed process would offer the "quickest, most efficient path" to resolving customer services Compliance Plan issues. Pittsburgh United also denies that litigation of Stage 2 Compliance Plan issues would result in an "unwieldy process." It is essential that parties are able to issue formal discovery and fully investigate customer services issues in the Stage 2 Compliance Plan proceeding in order to ensure that PWSA's Compliance Plan is properly designed and implemented. As previously discussed, PWSA's proposal that a TO be issued prior to referral to the OALJ would unduly delay resolution of critically important

consumer compliance issues and may prematurely limit the scope of litigation before the parties have the ability to meaningfully investigate the Stage 2 Compliance Plan filing.

28. Admitted in part. Pittsburgh United admits that providing parties time for informal discovery and workshops is helpful for the parties and Commission to better understand the Stage 2 Compliance Plan filing and to potentially resolve issues in the Plan filing. While Pittsburgh United admits that informal discovery could commence immediately under PWSA's proposed procedural process, whether and the extent to which parties will be able to obtain informal discovery responses in a timely manner remains unclear. As discussed above, Pittsburgh United does not oppose a moderate extension of the procedural schedule, no more than 45 days, to allow for an informal process. However, it is unclear how many issues these informal discussions will resolve, as many of the central issues in the Stage 2 proceeding were deferred from the Stage 1 proceeding, and have already been extensively discussed by the parties. Pittsburgh United denies that it is appropriate or beneficial for the Commission to issue a TO prior to referral to the AOLJ, as it would curtail the issues before the OALJ prior to the parties being given a meaningful opportunity to investigate the numerous complex issues involved in the Stage 2 Compliance Plan filing. As previously discussed, Pittsburgh United also opposes any change to the current procedural process that would limit time allowed for the parties to formally investigate the Stage 2 Compliance Plan filing before the ALJ.

29. Admitted in part. Pittsburgh United denies that it is reasonable, helpful, or achievable to narrow the issues prior to referral to the OALJ. Pittsburgh United opposes the issuance of a TO prior to referral to the OALJ which would narrow the scope of litigation. As previously discussed, it is unclear to extent to which the parties will be able to investigate

the Stage 2 Compliance Plan filing prior to referral to the OALJ. It is also unclear the extent to which BCS will be able to provide feedback about the Stage 2 Compliance Plan filing, given PWSA's ongoing rate case. It is crucial that issues before the OALJ are not curtailed before the parties are able to fully investigate the Stage 2 Compliance Plan filing before the OALJ.

2. Chapter 56 and related issues must be examined through a robust process, which includes informal collaboration between the parties and formal investigation before the OALJ.

30. Admitted.

31. Admitted in part, denied in part. Pittsburgh United admits that issues related to the format and process of PWSA's service terminations were deferred to Stage 2 of the proceeding. Indeed, several of the central issues in the Stage 2 proceeding were held over from the Stage 1 proceeding. These are issues that the Commission had identified as some of the "most critical issues" to the successful implementation of Chapter 32.² Given the importance of these issues and the continued disagreement amongst the parties related to many of the issues held over from the Stage 1 proceeding, it is crucial that they be resolved in a timely manner. At the same time, it is equally crucial that parties are provided with sufficient time and opportunity to fully investigate the Stage 2 Compliance Plan filing before the OALJ. Pittsburgh United asserts that it is unclear whether moving directly into litigation would deprive PWSA and stakeholders the opportunity to obtain input from BCS. Again, it is unclear to extent to which BCS will be able to provide PWSA, parties, and

² Assignment of the Pittsburgh Water and Sewer Authority Compliance Plan to the Office of Administrative Law Judge, Docket No. M-2018-2640802 (water) and M-2018-2640803 (wastewater). Reconsideration Order entered December 20, 2018 ("Compliance Plan Staging Reconsideration Order") at 8.

stakeholders with feedback about customer service issues in the Stage 2 Compliance Plan proceeding, given the ongoing litigation of PWSA's base rate case.

32. Denied. Pittsburgh United is without information or knowledge sufficient to form a belief whether PWSA had the ability to discuss all issues in the BCS workshops, as it has not yet had the opportunity to fully investigate all aspects of PWSA's Stage 2 Compliance Plan. Pittsburgh United also questions whether Commission staff may be able to provide feedback and suggestions to PWSA, given the ongoing base rate proceeding. While Pittsburgh United encourages PWSA to work with parties and stakeholders to address areas in which they are non-compliant, Pittsburgh United asserts that parties must be given adequate time and opportunity to investigate all issues in front of the OALJ.

33. Denied. Pittsburgh United is without information or knowledge sufficient to form a belief as to whether PWSA is undergoing upgrades to implement a new Enterprise Resource Planning system. Pittsburgh United is also without information or knowledge to form a belief about whether the upgrades to PWSA's system are currently in the planning stages, whether now is a good time to design systems and operations that are better equipped to comply with customer service issues, or how soon PWSA can get direction from Staff in order to achieve Compliance. Further, it is unclear whether and how "immediately launching a litigated proceeding" would impact PWSA's opportunity for feedback from BCS. To the contrary, Pittsburgh United believes that a final Commission decision on these matters of dispute, following a fully litigated proceeding, would lead to improved certainty about PWSA's compliance on a range of issues that will be decided in this proceeding. Pittsburgh United asserts that it is not appropriate to amend the procedural process in a manner that would curtail the issues before the OALJ through the issuance of a TO prior

the parties being able to engage in discovery and investigate the Stage 2 Compliance Plan filing adequately before the OALJ.

34. Admitted in part, denied in part. Pittsburgh United admits that an extension of the procedural schedule set out in the February 2021 Order is warranted so that customer service issues may proceed in an orderly fashion given competing deadlines in PWSA's base rate case. However, Pittsburgh United denies that PWSA's proposed procedural process as set forth in the Petition provides the parties with adequate opportunity to review the Stage 2 Plan filing. Pittsburgh United opposes the issuance of a TO prior to the parties being able to investigate Stage 2 Compliance issues before the OALJ. Again, it is unclear the extent to which BCS can provide feedback related to the Stage 2 Compliance Plan, given the ongoing litigation in the base rate case.

V. CONCLUSION

For the reasons set forth in this Answer, Pittsburgh United respectfully requests that the Commission grant in part and deny in part PWSA's Petition for Amendment of the Commission's February 4, 2021 Final Order Regarding Procedural Process for Customer Service and Collections Issues. As discussed in this Answer, Pittsburgh United does not oppose revision of the procedural process to include a period for informal discovery and workshops prior referral to the OALJ, so long as this extension does not exceed 45 days and there is no curtailment of the time between referral to the OALJ and the issuance of a Recommended Decision. However, Pittsburgh United opposes the issuance of a TO prior to referral to the OALJ as it would improperly narrow the issues before the OALJ prior the parties being able to adequately investigate the Stage 2 Compliance Plan filing and create a record related thereto.

Respectfully submitted,
PENNSYLVANIA UTILITY LAW PROJECT
Counsel for Pittsburgh United

A handwritten signature in black ink, appearing to read 'R. Pereira', is centered within a light gray rectangular box.

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Dated: April 28, 2021

Verification

I, **Jennifer Rafanan Kennedy**, Executive Director of Pittsburgh United, hereby state that the facts contained in the foregoing pleadings 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 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).



Jennifer Rafanan Kennedy
Executive Director, Pittsburgh United

April 28, 2021