



COMMONWEALTH OF PENNSYLVANIA

May 19, 2023

E-FILED

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

**Re: Pennsylvania Public Utility Commission v. Pittsburgh Water and Sewer
Authority--Wastewater / Docket No. R-2023-3039921**

Dear Secretary Chiavetta:

Enclosed please find the Complaint, Public Statement, and Verification, on behalf of the Office of Small Business Advocate (“OSBA”), in the above-captioned proceeding.

Copies will be served on all known parties in this proceeding, as indicated on the attached Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Sharon E. Webb

Sharon E. Webb
Assistant Small Business Advocate
Attorney ID No. 73995

Enclosures

cc: Brian Kalcic
Kevin Higgins
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	
v.	:	Docket No. R-2023-3039921
	:	
Pittsburgh Water and Sewer Authority--	:	
Wastewater	:	

**COMPLAINT OF THE
SMALL BUSINESS ADVOCATE**

1. The Complainant is:

NazAarah Sabree
Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
(717) 783-2525

2. The name and address of the attorney for the Office of Small Business Advocate (“OSBA”) is:

Sharon E. Webb
Assistant Small Business Advocate
Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
(717) 783-2525

3. The respondent utility is:

The Pittsburgh Water and Sewer Authority
1200 Penn Avenue
Pittsburgh, PA 15222

4. The Complainant is authorized and directed by the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50, to represent the interests of small business consumers of utility services in matters before the Pennsylvania Public Utility Commission (“Commission”).

5. This Complaint is filed against the rates, terms, and other provisions of the Initial Tariff Filings and Rate Requests which were filed with the Commission on April 13, 2021, by the Pittsburgh Water and Sewer Authority (“PWSA” or the “Authority”). The rates set forth in the filings, if approved by the Commission, would impose a multi-year increase in PWSA’s annual water, wastewater, and stormwater revenues in the amount of \$146.1 million.

6. After preliminary review of the materials filed by the Authority in support of the proposed Tariffs, Complainant believes, and therefore avers, that those materials may be insufficient to justify the rate increase requested and that the Authority’s present and proposed rates, rules, and conditions of service may be unjust, unreasonable, unduly discriminatory, and otherwise contrary to law, particularly as they pertain to small business customers.

7. Complainant believes, and therefore avers, that PWSA’s proposed tariff changes and proposed rates, rate design, and revenue allocation are or may be unjust, unreasonable, and unlawfully discriminatory in violation of, *inter alia*, Sections 1301 and 1304 of the Public Utility Code, 66 Pa.C.S. §§1301 and 1304, and contrary to appropriate public policy and sound ratemaking considerations, and may not be supported by the materials filed by PWSA.

8. In view of the foregoing, the Small Business Advocate respectfully requests that the Pennsylvania Public Utility Commission:

- A. Suspend and investigate the operation of Initial Tariff Filings and Rate Requests;

- B. At the conclusion of such investigation, reject the proposed new rates and other tariff changes in Initial Tariff Filings and Rate Requests to the extent required to make certain that PWSA's rates are lawful, just, reasonable, and not unduly discriminatory to small business customers; and
- C. Grant such other relief as may be necessary or appropriate.

Respectfully submitted,

/s/ Sharon E. Webb

Sharon E. Webb
Assistant Small Business Advocate
Attorney ID No. 73995

Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
(717) 783-2525
(717) 783-2831 (fax)

Dated: May 19, 2023

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	
v.	:	Docket No. R-2023-3039921
	:	
Pittsburgh Water and Sewer Authority-- Wastewater	:	

**PUBLIC STATEMENT OF
THE OFFICE OF SMALL BUSINESS ADVOCATE**

The Small Business Advocate is authorized and directed to represent the interest of small business consumers of utility services in Pennsylvania under the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50 (“Act”). The Act further provides that the Small Business Advocate is to issue publicly a written statement stating concisely the specific interest of small business consumers to be protected by his initiation of or intervention in any proceeding involving those interests before the Public Utility Commission (“Commission”) or any other agency or court. This public statement relates to the filing today by the Small Business Advocate of a complaint against the proposed base rate tariff filings of the Pittsburgh Water and Sewer Authority (“PWSA” or the “Authority”), which would impose a multi-year increase PWSA’s water, wastewater, and stormwater annual revenues in the amount of approximately \$146.1 million.

The Small Business Advocate files this formal complaint against the Authority’s proposed base rate tariff filings in order to protect the interests of the Authority’s small business customers. A thorough inquiry by the Commission into all of the elements of the Authority’s proposed base rate tariff filings is necessary to ensure that the tariff filings are lawful, just, reasonable, and not discriminatory to PWSA’s small business customers.


In view of the foregoing, the Small Business Advocate will participate in proceedings before the Public Utility Commission to investigate the reasonableness of the proposed base rate tariff filings. The Small Business Advocate will ask the Commission to deny any proposed new rates and other tariff changes that apply to small business customers that are not proven by PWSA's to be lawful, just, reasonable, and not discriminatory to the Authority's small business customers.

Dated: May 19, 2023

VERIFICATION

I, NazAarah Sabree, hereby state that the facts set forth herein 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: May 19, 2023



(Signature)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :
 :
 v. : **Docket No. R-2023-3039921**
 :
 Pittsburgh Water and Sewer Authority-- :
 Wastewater :

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served via email (*unless other noted below*) upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

The Honorable Charles E. Rainey Jr.
Chief Administrative Law Judge
Pennsylvania Public Utility Commission
400 North Street
Commonwealth Keystone Building
Harrisburg, PA 17120
crainey@pa.gov

Patrick M. Cicero, Esq.
Christine Appleby, Esq.
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
ra-oca@paoca.org
cappleby@paoca.org

Scott B. Granger, Esq.
Michael A. Podskoch, Jr., Esq.
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120
ginmiller@pa.gov
mpodskoch@pa.gov
(*Counsel for BIE*)

Jared Thompson, Esq.
Peter J. DeMarco, Esq.
Natural Resources Defense Council
1152 15th Street NW, Ste. 300
Washington, DC 20005
Telephone: 202-289-2385
Jared.thompson@nrdc.org
pdemarco@nrdc.org

Thomas J. Sniscak, Esq.
Whitney E. Snyder, Esq.
Kevin J. McKeon, Esq.
Hawke, McKeon & Sniscak LLP
100 North Tenth Street
Harrisburg, PA 17101
tjsniscak@hmslegal.com
wesnyder@hmslegal.com
kjmckeon@hmslegal.com

John F. Doherty, Esq.
Yvonne Hilton, Esq.
Lawrence H. Baumiller, Esq.
City of Pittsburgh Department of Law
313 City-County Building
414 Grant Street
Pittsburgh, PA 15219
yvonne.hilton@pittsburghpa.gov
john.doherty@pittsburghpa.gov
lawrence.baumiller@pittsburghpa.gov

Daniel Clearfield, Esq.
Deanne M. O'Dell, Esq.
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
dodell@eckertseamans.com
dclearfield@eckertseamans.com

Elizabeth R. Marx, Esquire
John W. Sweet, Esquire
Lauren N. Berman, Esquire
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
pulp@pautilitylawproject.org

DATE: May 19, 2023

/s/ Sharon E. Webb

Sharon E. Webb
Assistant Small Business Advocate
Attorney ID No. 73995