



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

May 30, 2023

Via Electronic Filing

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
Docket No. P-2023-
**I&E Answer to PWSA's Petition for Consolidation of Water, Wastewater
and Stormwater Rate Proceedings and for Authorization to Use
Combined Water, Wastewater and Stormwater Revenue Requirements**

Pennsylvania Public Utility Commission v.
Pittsburgh Water and Sewer Authority
Base Rate Case
Docket No. R-2023-3039920

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the **Answer of the Bureau of Investigation and Enforcement to PWSA's Petition for Consolidation of Water, Wastewater and Stormwater Rate Proceedings and for Authorization to Use Combined Water, Wastewater and Stormwater Revenue Requirements** for the above-captioned proceeding.

Copies are being served on parties of record per the attached Certificate of Service. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Scott B. Granger'.

Scott B. Granger
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SBG/jfm
Enclosures

cc: Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	Docket Nos.:
	:	P-2023-
v.	:	R-2023-3039920 (Water)
	:	R-2023-3039921 (Wastewater)
Pittsburgh Water and Sewer Authority	:	R-2023-3039919 (Stormwater)
Base Rate Case	:	

**ANSWER OF THE
BUREAU OF INVESTIGATION AND ENFORCEMENT
TO THE PITTSBURGH WATER AND SEWER AUTHORITY’S
PETITION FOR CONSOLIDATION OF WATER, WASTEWATER AND
STORMWATER RATE PROCEEDINGS
AND FOR AUTHORIZATION TO USE COMBINED WATER, WASTEWATER
AND STORMWATER REVENUE REQUIREMENTS**

I. INTRODUCTION

On May 9, 2023, the Pittsburgh Water and Sewer Authority (“PWSA” or the “Authority”) filed its base rate case at Docket Nos. R-2023-3039920 (Water); R-2023-3039921 (Wastewater); and, R-2023-3039919 (Stormwater) (“Rate Filing”). In its filing, PWSA is requesting the Commission approve a multi-year total overall revenue increase of \$146.1 million (inclusive of a Distribution System Infrastructure Charge (“DSIC”)).

Simultaneous with the filing of its Rate Filing, PWSA filed this Petition¹ for Consolidation of Water, Wastewater and Stormwater Rate Proceedings and for

¹ Also simultaneously, PWSA filed three separate petitions asking for various forms of relief from the Commission. They are: (1) Petition of Pittsburgh Water and Sewer Authority for Waiver of Statutory Definition of Fully Projected Future Test Year; (2) Petition of the Pittsburgh Water and Sewer Authority for Authorization to Increase Water and Wastewater DSIC Charge Caps to 7.5%; and, (3) Petition of the Pittsburgh Water and Sewer Authority for Authorization to Implement a Customer Assistance Charge. I&E has filed answers to each petition separately asking that they all be consolidated into the Rate Filing.

Authorization to use Combined Water, Wastewater and Stormwater Revenue Requirements (“Consolidation Petition”) requesting that the above-captioned proceedings be formally consolidated into a single proceeding and that the Pennsylvania Public Utility Commission (“Commission”) authorize or grant a waiver so as to permit the use of a consolidated water/wastewater/stormwater revenue requirement by PWSA in this proceeding.²

Pursuant to 52 Pa. Code Section 5.61(a) and (e), the Bureau of Investigation and Enforcement (“I&E”) hereby files this timely Answer requesting that the Commission grant in part and deny in part the relief requested relief in PWSA’s Petition. More specifically, I&E recommends that the Commission (1) grant the consolidation of the three rate proceedings into a single proceeding,³ and (2) deny the request to use a consolidated water/wastewater/stormwater revenue requirement.

In further support of I&E’s Answer, I&E avers the following:

II. ANSWER

A. Request for Consolidation of Filings.

In requesting consolidation of the PWSA filings, PWSA relied on 52 Pa. Code § 5.81(a) which provides: “[t]he Commission or presiding officer, with or without motion, may order proceedings involving a common question of law or fact to be consolidated.

The Commission or presiding officer may make orders concerning the conduct of the

² Consolidation Petition, p. 1.

³ As noted in footnote 3 *supra*, I&E has filed answers to each petition separately asking that they all be consolidated into the Rate Filing.

proceeding as may avoid unnecessary costs or delay.”⁴ I&E supports PWSA’s request for consolidation and recommends that the Rate Filings, this petition, and the three petitions referenced in footnote 1 *supra* be consolidated at Docket No. R-2023-3039920 (Water).

B. Request for Consolidated Revenue Requirement.

In requesting consolidation of the revenue requirements of water, wastewater, and stormwater, PWSA relied on 66 Pa. C.S. § 1311(c), or in the alternative, a waiver pursuant to 66 Pa. C.S. 3202(b).⁵

While PWSA is correct that Section 1311(c) states that a “utility that provides water and wastewater service shall be exempt from this subsection upon petition of a utility to combine water and wastewater revenue requirements,” Section 1311(c) does not mention stormwater. Nor does Section 1311(c) contemplate the allocation of a portion of the stormwater revenue requirement to the combined water and wastewater customer base. Finally, Section 3202(b) is inapplicable to this requested consolidation because PWSA is not seeking a waiver from the application of a provision of the Public Utility Code, but rather, is requesting the Commission apply a provision of the Public Utility Code to a request that the Public Utility Code does not explicitly permit. Therefore, I&E opposes the requested consolidation of the stormwater revenue requirement with the water and wastewater revenue requirements.

⁴ Consolidation Petition, p. 3,

⁵ Consolidation Petition, p. 5.

III. CONCLUSION

WHEREFORE, in consideration of the averments set forth in this I&E Answer, the Bureau of Investigation and Enforcement respectfully requests that the Commission grant PWSA's request to consolidate the Rate Filing with the four simultaneously filed PWSA petitions. Further, I&E requests that the Commission deny PWSA's request to consolidate the revenue requirement for stormwater with the revenue requirements for water and wastewater; and, instead, consolidate the revenue requirement issue raised in this Consolidation Petition into the Rate Filing at Docket No. R-2023-3039920.

Respectfully submitted,



Scott B. Granger
Prosecutor
PA Attorney ID No. 63641

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Pennsylvania Public Utility Commission
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Dated: May 30, 2023

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	Docket Nos.:
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Pittsburgh Water and Sewer Authority	:	R-2023-3039919 (Stormwater)
Base Rate Case	:	

CERTIFICATE OF SERVICE

I hereby certify that I am serving the foregoing **I&E Answer to PWSA Petition** on May 30, 2023, in the manner and upon the persons listed below:

Served via Electronic Mail Only

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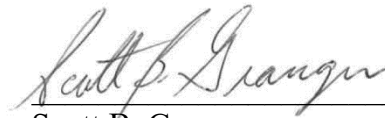
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