



June 12, 2023

Via Electronic Filing

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

**Re: Pa. PUC v. Pittsburgh Water and Sewer Authority,
Docket Nos. R-2023-3039920, R-2023-3039921, R-2023-3039919**

Petition to Intervene and Answer of Pittsburgh United's Our Water Table

Dear Secretary Chiavetta,

Enclosed, please find a **Petition to Intervene and Answer of Pittsburgh United's Our Water Table** in the above-referenced matter.

As indicated on the attached Certificate of Service, service on the parties was accomplished by email only.

Respectfully Submitted,

Lauren N. Berman, Esq.
Counsel for Pittsburgh United

CC: Per Certificate of Service

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

| | | |
|---|---|-----------------------------------|
| Pennsylvania Public Utility Commission | : | |
| | : | |
| v. | : | Docket Nos. R-2023-3039920 |
| | : | R-2023-3039921 |
| Pittsburgh Water and Sewer Authority | : | R-2023-3039919 |
| | : | |
| | : | |

CERTIFICATE OF SERVICE

I hereby certify that I have, on this day, served copies of the **Petition to Intervene and Answer of Pittsburgh United’s Our Water Table** in the above captioned matter upon the following persons and in accordance with the requirements of 52 Pa. Code § 1.54.

SERVICE VIA EMAIL ONLY

| | |
|---|---|
| Daniel Clearfield, Esq. Deanne M. O'Dell, Esq. Bryce R. Beard, Esq. Eckert Seamans Cherin & Mellott, LLC 213 Market Street, 8 th Floor Harrisburg, PA 17101 dodell@eckertseamans.com dclearfield@eckertseamans.com bbeard@eckertseamans.com | Sharon Webb, Esq. Office of Small Business Advocate Forum Place, 555 Walnut Street, 1st Floor Harrisburg, PA 17101 swebb@pa.gov |
| Scott B. Granger, Esq. Michael A. Podskoch, Jr., Esq. Allison C. Kaster, Esq. Bureau of Investigation and Enforcement Commonwealth Keystone Building 400 North Street, 2 nd Floor Harrisburg, PA 17120 sgranger@pa.gov mpodskoch@pa.gov akaster@pa.gov | Gina L. Miller, Esq. Andrew J. Zerby, Esq. Christopher M. Andreoli, Esq. Christy Appleby, Esq. Keith Earls, Esq. Office of Consumer Advocate 555 Walnut Street 5th Floor, Forum Place Harrisburg, PA 17101 gmiller@paoca.org azerby@paoca.org candreoli@paoca.org cappleby@paoca.org kearls@paoca.org OCAPWSA2023BRC@paoca.org |
| Yvonne Hilton, Esq. John F. Doherty, Esq. | Whitney E. Snyder, Esq. Kevin J. McKeon, 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 | Thomas J. Sniscak, Esq. Hawke McKeon and Sniscak, LLP 100 N. 10th Street Harrisburg, PA 17101 wesnyder@hmslegal.com kjmckeon@hmslegal.com tjsniscak@hmslegal.com |
|--|--|

Respectfully submitted,



Lauren N. Berman, Esq., PA ID: 310116
*Counsel for Pittsburgh United's Our Water
Table*

Dated: June 12, 2023

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission :
v. : **Docket Nos. R-2023-3039920**
: **R-2023-3039921**
Pittsburgh Water and Sewer Authority : **R-2023-3039919**
:
:

**PETITION TO INTERVENE AND ANSWER OF
PITTSBURGH UNITED'S OUR WATER TABLE**

PENNSYLVANIA UTILITY LAW PROJECT

Counsel for Pittsburgh United's Our Water Table

Lauren N. Berman, Esq. PA ID: 310116
Ria M. Pereira, Esq., PA ID: 316771
Elizabeth R. Marx, Esq., PA ID: 309014
John Sweet, Esq. PA ID: 320182
118 Locust Street
Harrisburg, PA 17101
Tel.: 717-236-9486
Fax: 717-233-4088
pulp@pautilitylawproject.org

June 12, 2023

Pursuant to the provisions of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (PUC or Commission), 52 Pa. Code §§ 5.61-5.76, Pittsburgh United's Our Water Table (Pittsburgh United), through its counsel at the Pennsylvania Utility Law Project, hereby petitions the Pennsylvania Public Utility Commission to intervene and files its Answer in the above-captioned proceeding. In support thereof, Pittsburgh United states as follows:

1. On May 9, 2023, Pittsburgh Water and Sewer Authority (PWSA) submitted a rate filing, Tariff Water- PA. P.U.C. No.1, Supp. No. 12; Tariff Wastewater- PA. P.U.C. No.1, Supp. No. 11; and Tariff Stormwater - PA. P.U.C. No. 3. PWSA is requesting a multi-year total overall rate revenue increase of \$146.1 million. This includes a \$46.8 million or 22.5% increase in the FPFTY (FY 2024), \$45.4 million or 17.8% in FY 2025, and \$53.9 million or 17.9% in FY 2026. (Volume I, Statement of Reasons). For a residential customer using 3,000 gallons per month, the customer's total bill would increase from \$86.43 to \$103.41 per month (19.6%) in 2024, from \$103.41 to \$123.55 per month (19.5%) in 2025, and from \$123.55 to \$146.12 per month (18.3%) in 2026.¹ (Volume I, Notice of Proposed Rate Changes). For residential customers enrolled in the Bill Discount Program (BDP) using 3,000 gallons per month, a customer's total bill would increase from \$44.15 to \$51.85 per month (17.4%) in 2024, from \$51.85 to \$60.83 per month (17.3%) in 2024, and from \$60.83 to \$72.17 per month (18.7%) in 2026.² Id.

Petition to Intervene

2. Eligibility to intervene in Commission proceedings is governed by 52 Pa. Code § 5.72, which provides in relevant part that “[a] petition to intervene may be filed by a person claiming a

¹ These increases assume that the residential customer has a 5/8-inch meter and generates stormwater from one ERU.

² These increases assume a 5/8-inch meter and a reduced stormwater fee.

right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought.” 52 Pa. Code § 5.72(a).

3. Section 5.72 further provides that the right or interest may be one “which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding.” 52 Pa. Code. § 5.72(a)(2).

4. Even though Section 5.72 speaks of the rights of a “person” to intervene, the Commonwealth Court has consistently stated that “an association may have standing as a representative of its members . . . as long as an organization has at least one member who has or will suffer a direct, immediate, and substantial injury to an interest as a result of the challenged action, [i.e., is aggrieved, the organization] has standing.” Energy Cons. Council of Pa. v. Pa. PUC, 995 A.2d 465, 476 (Pa. Commw. Ct. 2010) (alteration in original) (citing Trippls Park v. Pa. PUC, 415 A.2d 967 (Pa. Commw. Ct. 1980); Parents United for Better Schools v. School Dist. of Phila., 646 A.2d 689 (Pa. Commw. Ct. 1994).

5. 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.

6. 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.

7. Pittsburgh United is located at 841 California Ave., Pittsburgh, PA 15212.

8. Pittsburgh United has a significant interest, on behalf of its members, in the impact of PWSA's proposed rate increases on moderate and low income residential customers. These interests are not adequately represented by other participants.

9. 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. Particularly, this proceeding will affect the price that Pittsburgh United members pay for water and wastewater services, as well as the safety, reliability, and quality of that service.

10. Pittsburgh United has standing to intervene because several of its members have or will suffer a direct, immediate, and substantial injury to an interest as a result of this proceeding. See Energy Cons. Council of Pa., 995 A.2d at 476.

11. Pittsburgh United is represented in this proceeding by counsel at the Pennsylvania Utility Law Project:

Lauren N. Berman, Esquire
Ria M. Pereira, Esquire
Elizabeth R. Marx, Esquire
John W. Sweet, Esquire
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
Telephone: 717-236-9486
Fax: 717-233-4088
Email: pulp@pautilitylawproject.org

12. Counsel for Pittsburgh United consents to the service of documents by electronic mail to pulp@pautilitylawproject.org as provided in 52 Pa. Code § 1.54(b)(3).

Answer

13. Pittsburgh United has preliminarily reviewed PWSA's rate filing, and objects to

PWSA's request on the grounds that the proposed rate increases could result in unjust and unreasonable rates that would impose severe hardship on low and moderate income residential customers.

14. Pittsburgh United asserts that terms, conditions, and rates for water and wastewater services are not just and reasonable if they are not appropriately designed and implemented to ensure that all consumers are able to access safe and affordable water and wastewater services, consistent with the laws and policies of the Commonwealth. A preliminary review of PWSA's tariff filing suggests that PWSA's proposed rate increases are unjust, unreasonable, and inconsistent with the laws and policies of this Commonwealth. Repeated steep increases in rates such as those proposed by PWSA would have a disproportionate harmful impact on low-, fixed-, and moderate-income households.

15. Preliminary review of PWSA's filing suggests that PWSA's proposed changes to its low income programs are inadequate to remediate the effect of the proposed rate increase on low income customers. See PWSA St. No. 6 at 34-38. Further review is necessary to ensure that low income consumers have access to affordable services and are adequately protected against PWSA's proposed rate increase, and to ensure that PWSA's low income programs are adequately designed to meet the needs of the communities PWSA serves.

16. Continued delivery of safe, affordable water and wastewater services is of critical importance to the safety, welfare, and economic stability of Pennsylvania consumers – particularly those with limited financial means. In recognition of this fact, the law requires that utility service – here water and wastewater services – be just, reasonable, and in conformity with regulations or orders of the Commission See 66 Pa. C.S. § 1301(a). PWSA's proposed rate increase could have a disparate impact on households with limited economic means and will undermine bill savings

achieved through low income programs.

17. Pittsburgh United asserts that these matters, and any future modifications presented by intervening parties, must be thoroughly reviewed to ensure that all customers are able to access safe, affordable water and wastewater services within PWSA's service territory.

WHEREFORE, Pittsburgh United respectfully requests that the Commission enter an order granting Pittsburgh United full status as an intervener in this proceeding with active party status.

Respectfully submitted,

PENNSYLVANIA UTILITY LAW PROJECT
Counsel for Pittsburgh United's Our Water Table



Lauren N. Berman, Esq. PA ID: 310116
118 Locust Street
Harrisburg, PA 17101
Tel.: 717-236-9486
Fax: 717-233-4088
pulp@pautilitylawproject.org

Dated: June 12, 2023

Verification

I, **Elizabeth R. Marx**, legal counsel for Pittsburgh United's Our Water Table, on behalf of Pittsburgh United, hereby states 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).



Elizabeth R. Marx, Esq.

On behalf of Pittsburgh United's Our Water Table

Dated: June 12, 2023