



June 27, 2023

VIA E-MAIL

Administrative Law Judge Gail M. Chiodo
Pa. Public Utility Commission
400 North Street
Harrisburg, PA 17120
gchiodo@pa.gov

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

Prehearing Conference Memorandum of Pittsburgh United's Our Water Table

Your Honor,

Please find the **Prehearing Conference Memorandum of Pittsburgh United's Our Water Table** in the above-captioned proceeding.

Pursuant to the Commission's Emergency Order issued on March 20, 2020, and as indicated on the attached Certificate of Service, service on the parties was accomplished by email only.

Respectfully,

Ria M. Pereira, Esq.
Counsel for Pittsburgh United's Our Water Table

CC: *Certificate of Service*
Secretary Rosemary Chiavetta

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission :
:
v. : **Docket Nos. R-2023-3039920**
:
:
Pittsburgh Water and Sewer Authority : **R-2023-3039921**
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**PREHEARING CONFERENCE MEMORANDUM
OF PITTSBURGH UNITED'S OUR WATER TABLE**

PENNSYLVANIA UTILITY LAW PROJECT
Counsel for Pittsburgh United's Our Water Table
Ria M. Pereira, Esq., PA ID: 316771
Elizabeth R. Marx, Esq., PA ID: 309014
John W. Sweet, Esq., PA ID: 320182
Lauren N. Berman, Esq., PA ID: 310116
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PULP@pautilitylawproject.org

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On June 16, 2023, a Prehearing Conference Order was issued by Administrative Law Judge Gail M. Chiodo setting a telephonic prehearing conference for Thursday, June 29, 2023 at 10:00 a.m., and requiring parties to file a Prehearing Memorandum no later than 4:00 pm on Tuesday, June 27, 2023. In accordance with that Order, Pittsburgh United's Our Water Table (hereinafter, Pittsburgh United or United), through its counsel at the Pennsylvania Utility Law Project, hereby files this Prehearing Conference Memorandum.

I. Background

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.

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.

On June 12, 2023, Pittsburgh United filed a Petition to Intervene and Answer, requesting full intervenor status as an active party to the proceeding.

II. Service on Pittsburgh United

Pittsburgh United is represented by the attorneys at the Pennsylvania Utility Law Project.

Pittsburgh United requests consolidated service as follows:

Ria M. Pereira, Esq.
John W. Sweet, Esq.
Lauren N. Berman, Esq.
Elizabeth R. Marx, Esq.
PENNSYLVANIA UTILITY LAW PROJECT
118 Locust Street
Harrisburg, PA 17102
Telephone: 717-236-9486
Facsimile: 717-233-4088
E-mail: PULP@pautilitylawproject.org

III. Representation of Pittsburgh United at Prehearing Conference

Pittsburgh United will be represented by Lauren N. Berman, Esq. at the Prehearing Conference.

IV. Issues to be Presented

Continued delivery of safe, affordable water and wastewater services is of critical importance to the safety, welfare, and economic stability of all Pennsylvanians – particularly those with limited financial means. In the event the Commission approves any water, wastewater, or stormwater distribution rate increase or fee, it should condition approval on PWSA’s agreement to perform such actions as are necessary to ensure service remains universally accessible to those who reside in PWSA’s service territory and in compliance with all applicable sections of the Public Utility Code, Commission regulations and policy, and prior settlement agreements.

Pittsburgh United has conducted an initial review of PWSA's proposed tariff changes and testimony, and opposes PWSA's requests on the grounds that the proposed rate increases and tariff changes may result in unjust and unreasonable rates that would impose severe financial hardship on low and moderate income residential customers. Pittsburgh United identifies the following specific issues of concern, which it intends to address in this proceeding, though it reserves the right to raise additional issues which may arise through the course of this proceeding:

- i. The conformity to law and the effect of PWSA's rate filing and proposed rate increase on low income households.
- ii. The effect of PWSA's rate filing and proposed rate increase on low income households enrolled in or eligible for PWSA's low income programs, and adequacy of those programs in delivering universally accessible services.
- iii. The effect of PWSA's proposal to eliminate its minimum usage allowance on PWSA's residential customers, including PWSA's low income customers.
- iv. Whether PWSA's proposed changes to its low income programs are adequate to remediate the effect of the proposed rate increase and modification on low income customers.

V. Witnesses and Testimony

Pittsburgh United intends to sponsor testimony of the following expert witness in this matter, and reserves the right to call additional witnesses as may be warranted upon notice to Your Honor and parties:

Harry S. Geller, Esq.
c/o Pennsylvania Legal Aid Network
118 Locust Street
Harrisburg, PA 17101
hgeller@pautilitylawproject.org

Mr. Geller will address the issues identified above, as well as any other relevant issues that may

arise through the course of this proceeding.

VI. Discovery

Pittsburgh United supports the discovery modification proposed by the Office of Consumer Advocate in their Prehearing Memorandum.

VII. Settlement

Pittsburgh United is willing and ready to engage in settlement discussions with any and all parties to resolve or narrow the issues in this proceeding, and encourages the parties to set aside time early in the process for meaningful settlement discussions to commence.

VIII. Litigation Schedule

Pittsburgh United is actively working with the parties to arrive at a mutually agreeable schedule for litigation. As of the date of the filing of this Prehearing Conference Memorandum, the parties are in discussion related to the following proposed procedural schedule, which Pittsburgh United supports:

Prehearing Conference	June 29, 2023
Public Input Hearing	July 25, 26, 27, 2023
Direct Testimony - Other Parties	August 9, 2023
Rebuttal Testimony	September 8, 2023
Surrebuttal Testimony	September 22, 2023
Written Rejoinder	September 29, 2023
Hearings	October 4-6, 2023
Main/Initial Briefs	October 19, 2023
Reply Briefs	October 30, 2023
Recommended Decision (ETA)	November 28, 2023
Public Meeting	February 1, 2024
End of Suspension Period(s)	February 15, 2023

WHEREFORE, Pittsburgh United respectfully submits this Prehearing Conference Memorandum.

Respectfully submitted,

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



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John W. Sweet, Esq., PA ID: 320182
Lauren N. Berman, Esq., PA ID: 310116
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Date: June 27, 2023

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	:	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 **Prehearing Conference Memorandum 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
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Respectfully Submitted,
PENNSYLVANIA UTILITY LAW PROJECT
Counsel for Pittsburgh United's Our Water Table



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