

September 5, 2023

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Via Electronic Filing

Rosemary Chiavetta, Secretary
PA Public Utility Commission
400 North Street
Harrisburg, PA 17120

RE: The Pittsburgh Water and Sewer Authority – Water – R-2023-3039920;
The Pittsburgh Water and Sewer Authority – Wastewater – R-2023-3039921;
The Pittsburgh Water and Sewer Authority – Stormwater – R-2023-3039919

Petition of The Pittsburgh Water and Sewer Authority for Authorization to Implement a
Customer Assistance Charge – Docket No. P-2023-3040678

Dear Secretary Chiavetta:

On behalf of The Pittsburgh Water and Sewer Authority (“PWSA”) enclosed for electronic filing is a Motion to Compel Responses to the Interrogatories Addressed to the River Development Corporation, Set I in the above matters. **Please note that the Motion is asking for expedited review from the Administrative Law Judge due to the current litigation schedule requiring the service of PWSA’s rebuttal testimony on Friday, September 8, 2023.** This document is being served in accordance with the attached Certificate of Service.

Sincerely,



Deanne M. O'Dell

DMO/lww

Enclosure

cc: Hon. Gail M. Chiodo w/enc.
Cert. of Service w/enc.

CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of **PWSA’s Motion to Compel Responses to Interrogatories Addressed to The River Development Corp, Set I**, upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

Via Email Only

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Deanne M. O’Dell, Esq.

Dated: September 5, 2023

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, <i>et al</i>	:	R-2023-3039920
	:	C-2023-3040785
v.	:	C-2023-3040845
	:	
Pittsburgh Water and Sewer Authority - Water	:	
Pennsylvania Public Utility Commission, <i>et al</i>	:	R-2023-3039921
	:	C-2023-3040780
v.	:	C-2023-3040846
	:	
Pittsburgh Water and Sewer Authority - Wastewater	:	
Pennsylvania Public Utility Commission, <i>et al</i>	:	R-2023-3039919
	:	C-2023-3040789
v.	:	C-2023-3040847
	:	
Pittsburgh Water and Sewer Authority - Stormwater	:	

**THE PITTSBURGH WATER AND SEWER AUTHORITY’S
MOTION TO COMPEL RESPONSES TO THE INTERROGATORIES
ADDRESSED TO THE RIVER DEVELOPMENT CORPORATION, SET I**

Pursuant to 52 Pa. Code §§ 5.321, 5.342, and 5.349, and the Scheduling Order issued on July 10, 2023 in the above referenced proceeding, The Pittsburgh Water and Sewer Authority (“PWSA” or the “Authority”) hereby respectfully requests that Administrative Law Judge Gail M. Chiodo (“ALJ”) issue an order compelling River Development Corporation (“RDC”) to provide full and complete answers to PWSA’s Set I Interrogatories directed to RDC.

PWSA served the Set I Interrogatories on RDC on August 22, 2023. The interrogatories consisted of twenty-six (26) questions directed to RDC, which are attached to this Motion as Appendix 1. Pursuant to the July 10, 2023 Scheduling Order, responses to these interrogatories were due within ten (10) calendar days of service, by September 1, 2023. RDC did not respond to the Set I Interrogatories by the deadline. RDC also did not communicate any objections to

these interrogatories, which were due to be communicated orally within three (3) calendar days of service and in writing within five (5) calendar days of service, pursuant to the Scheduling Order.

When timely responses were not received, counsel for PWSA contacted RDC. RDC's counsel indicated that RDC was not aware of the interrogatories and would provide responses by September 11, 2023. However, PWSA's rebuttal testimony is due on September 8, 2023, and the Authority requires responses to the Set I Interrogatories prior to its rebuttal testimony deadline in order to provide a full and complete response to RDC's direct testimony. Given the approaching rebuttal testimony deadline, PWSA requested that RDC provide responses by September 7, 2023, but RDC has not responded to that request. PWSA most recently attempted to reach RDC regarding the Set I responses on September 3, 2023, and again on September 5, 2023, with no response.

As a result, PWSA now submits this motion seeking to compel RDC to provide complete responses to PWSA's Set I Interrogatories by no later than September 7, 2023. In the event that responses are not received by this date, PWSA reserves the right to submit supplemental testimony addressing RDC's responses.

WHEREFORE, The Pittsburgh Water and Sewer Authority respectfully requests that the ALJ compel River Development Corporation to provide full and complete answers to PWSA-RDC Set I Interrogatories and grant any other relief deemed appropriate under the circumstances. Given the short timelines in this proceeding, **PWSA requests that this Motion be addressed on an expedited basis.**

Respectfully submitted,



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Dated: September 5, 2023

Counsel for
The Pittsburgh Water and Sewer Authority

PWSA INTERROGATORIES TO RDC, SET I

1. If not already included with the testimony, please provide the resume of every individual providing testimony in this matter.
2. For all witnesses providing testimony and if not already provided, please identify all matters for which he or she previously provided testimony whether before the Pennsylvania PUC or another jurisdiction (as a witness or otherwise), including the title of the proceeding or matter, the case or docket number, and the court or proceeding.
3. Please provide a list of material (e.g., speeches, legislative testimony, articles, blog posts, social media posts, podcasts, etc.) published by each witness which relates to the subject matter of his or her testimony.
4. Please provide a list of all publications each witness has authored, co-authored, been quoted in, or consulted for and the name of the publication in which the article has appeared, or the name of the publisher who has published the article.
5. Please provide live excel files relied upon for all schedules and tables in the written testimony as well as any supporting workpapers.
6. Refer to RDC St. No. 1 at 11. Please identify the “several reasons” you refer to in support of the assertion that the impervious surface area of a property is not related to the management of stormwater runoff by PSWA.
7. Refer to RDC St. No. 1 at 11. Please explain how the design of the roof on the RDC property manages stormwater runoff.
8. Refer to RDC St. No. 1 at 12. Have you compared the annual precipitation over a 5- or 10-year period throughout the Pittsburgh area? If so, please provide the results.
9. Refer to RDC St. No. 1 at 12. Please explain the assertion that the slope of terrain skews the measurement of impervious surface area and now that affects the number of ERUs on which the RDC stormwater fee is based.
10. Refer to RDC St. No. 2 at 4. Do you have an alternative proposal for the calculation of stormwater fees that is not based on impervious surface area? If so, please describe your proposed approach.
11. Refer to RDC St. No. 2 at 4. Please confirm that RDC is not a church, school district or cemetery.

12. Refer to RDC St. No. 2 at 4, 9-10. Please explain the connection RDC perceives between PWSA's stormwater fee and RDC's allegation concerning pollution caused by large industrial customers.
13. Refer to RDC St. No. 2 at 4. Please explain the allegation that PWSA's stormwater fee, which establishes three tiers for residential customers and one tier for non-residential customers, constitutes unreasonable discrimination.
14. Refer to RDC St. No. 2 at 4-5. If the square footage of impervious surface area should not be considered in the calculation of stormwater rates, please describe the method that RDC believes should be used.
15. Refer to RDC St. No. 2 at 4-5. Why is impervious surface area not appropriate for use in Allegheny County?
16. Refer to RDC St. No. 2 at 5. What was CMAC concerned about happening?
17. Refer to RDC St. No. 2 at 5. The testimony suggests that the formula for stormwater calculations should include the number of smokestacks, the number of violations for exceeding air and water emissions, and the number of actual exceedances. Please explain the rationale for this approach, and describe the specific manner in which RDC proposes to factor these criteria into the formula.
18. Refer to RDC St. No. 2 at 5-6. Do you agree that PWSA's water infrastructure costs are not recovered through the stormwater rate? If you do not agree, please explain. If you agree, please confirm that you are not pursuing this issue in the base rate case.
19. Refer to RDC St. No. 2 at 6-7, 13. Please confirm that RDC is pursuing issues concerning notice of the 2021 base rate case by PWSA in the complaint proceeding at Docket No. R-C-2023-3039163 and does not intend to pursue these issues in the base rate case.
20. Refer to RDC St. No. 2 at 7-8. Please identify a provision in the Public Utility Code that authorizes the Commission to adjudicate a claim regarding a lack of coordination between City of Pittsburgh departments.
21. Refer to RDC St. No. 2 at 8. Please explain the rationale for the stormwater rate to be capped at a percent of RDC's net revenues.
22. Refer to RDC st. No. 2 at 10, Table 1. Please describe the basis for the claims in the third column pertaining to a "fictitious" "steel industrial polluter."

23. Refer to RDC St. No. 2 at 11. Please explain how PWSA's stormwater fee, in RDC's view, requires small businesses to "shoulder the responsibility for large industrial (steel and chemical) polluters."
24. Refer to RDC St. No. 2 at 12. Please explain the basis for your assertion that PWSA is facing a 2026 deadline for stormwater billing.
25. Refer to RDC St. No. 2 at 13. Please explain why a business with a high amount of ERUs should not be responsible for the payment of stormwater fees based on the square footage of the impervious surface area of the property.
26. Refer to RDC St. No. 2 at 15-16. Has RDC applied for a stormwater credit, using the application form on PWSA's website?