



James C. Cagle  
Vice President – Rates and Regulatory Affairs  
461 From Road, Suite 400  
Paramus, NJ 07652  
tel 201-750-5702  
fax 201-750-5728  
email Jim.Cagle@suez.com

November 22, 2019

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

**Re: Implementation of Act 120 of 2018 - Docket No. M-2019-3013286**

Dear Secretary Chiavetta:

On behalf of SUEZ Water Pennsylvania Inc. (“SWPA”) please find attached its responses to the for filing its responses to the Bureau of Technical Utility Services Water/Wastewater Division Set 1 Questions in the above referenced docket. Concurrently, SWPA is serving on all parties on the attached Certificate of Service.

SWPA appreciates the opportunity to participate in this proceeding and looks forward to the December 19, 2019, workshop on Act 120 implementation.

Sincerely,

A handwritten signature in black ink, appearing to read 'James C. Cagle', written over a circular scribble.

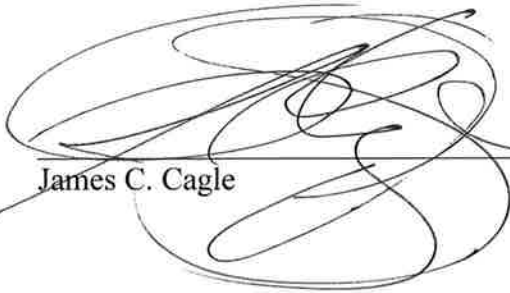
James C. Cagle  
Vice President – Rates and Regulatory Affairs

cc: John Hollenbach  
Jonathan Nase, Cozen, O’Conner  
Per Certificate of Service (*via electronic and first-class mail*)

**VERIFICATION**

I, James C. Cagle, Vice President, Regulatory Business of SUEZ Water Services Inc., hereby state that the facts set forth 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: 11/22/19

  
James C. Cagle

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Implementation of Act 120 of 2018

: Docket No. M-2019-3013286

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the following Responses upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**VIA ELECTRONIC AND USPS FIRST-CLASS MAIL**

Christine Maloni Hoover  
Senior Assistant Consumer Advocate  
Philip D. Demanchick  
Assistant Consumer Advocate  
Office of Consumer Advocate  
555 Walnut Street  
Forum Place – 5<sup>th</sup> Floor  
Harrisburg, PA 17101-1923

John Evans, Small Business Advocate Office  
of Small Business Advocate 555 Walnut Street  
Forum Place – 1st Floor  
Harrisburg, PA 17101-1923

Richard A. Kanaskie, Director  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

Paul Diskin, Director  
Bureau of Technical Utility Services  
Commonwealth Keystone Building 400 North  
Street  
Harrisburg, PA 17120

Renardo L. Hicks,  
Chief Counsel Law Bureau  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Alexander Stahl, Esquire Regulatory Counsel  
Aqua Pennsylvania  
762 West Lancaster Avenue  
Bryn, Mawr, PA 19010

Jeffrey R. Hines, President and CEO JT Hand,  
COO  
The York Water Company  
130 East Market Street  
York, PA 17404

Susan Simms Marsh, Esquire Pennsylvania-  
American Water Company 852 Wesley Drive  
Mechanicsburg, PA 17055

Dated: November 22, 2019

  
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Vice President – Rates and Regulatory Affairs  
461 From Road, Suite 400  
Paramus, NJ 07652  
tel 201-750-5702  
fax 201-750-5728  
email Jim.Cagle@suez.com

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M-1  
(Cagle)

M-1           What information should utilities seeking to replace LSLs and DWWs provide in a distinct comprehensive replacement plan or as integrated elements within their long-term infrastructure improvement plans (LTIPs)?

Response:    The Company believes the incorporation into the LTIP should be consistent with and supplement existing main replacement projects in regards to the replacement of lead service. The Company replaces, when applicable, all services when constructing a main replacement project. The company's LTIP addresses all infrastructure replacements. Since its inception the Company has not encountered any lead services; however a small number of goose-neck connections have been found and, in all cases, have been replaced with a new connection and service. Replacements of LSLs outside of existing main replacement projects should be includible when such plans have been developed.

SWPA has a small number of sewer customers and has not yet contemplated how the Act might impact the Company or its customers regarding such replacements.

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M-2  
(Cagle)

M-2           What are the most effective methodologies for completing a thorough study to locate and identify LSLs and DWWLs within a utility's service territory?

Response:    Inventorying of LSLs would include the analysis of paper records as well as a desktop analysis which includes comparative analysis using GIS. SWPA believes certain analysis assumption can be utilized to narrow the scope of a location study. For example, services that are greater than 2” or the original service installation dates after 1986 could be assumed to be non-lead. Likewise, if the service is indicated as a galvanized, service it may have a lead gooseneck. GIS can also provide which services are connected to which the type of main and by doing so that can narrow down which service may have a lead component i.e. gooseneck. Finally field investigations are required to individually determine if an LSL is in place. Confirmation of the actual composition can only be determined by a visual examination of the service line.

SWPA has a small number of sewer customers and has not yet contemplated how the Act might impact the Company or its customers regarding such replacements.

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M-3  
(Cagle)

M-3           What would be a reasonable timeframe, based upon a concerted effort, for a utility to identify all the LSLs within its service territory via historical records, city permits, direct visual inspections and other such means early in an LSL replacement plan's schedule as part of a utility's LTIIP?

Response:   While SWPA has not fully investigated the time it would take fully identify LSLs. However based on the accuracy required and the proposed updated lead and copper rule it may require up to three years.

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M-4  
(Cagle)

M-4            What are the best practices and avenues for reporting and/or communicating the results of a thorough study to locate and identify LSLs and DWWLs within a utility's service territory?

Response:    SWPA serves over forty municipalities, townships and boroughs and believes that dependent upon the time frame and the recipient of the update, the results should be reported to each political subdivision.

SWPA only serves wastewater in Columbia and Montour County.

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M-5  
(Cagle)

M-5            Other than annual asset optimization plans filed pursuant to 66 Pa. C.S. § 1356, what is/are the most effective means of reporting the progress of LSL and DWWL replacement program efforts, including the number of LSL and/or DWWL replacements, the size and length of pipe removed, the cost per service, the location of removal, site conditions, etc.

Response:    The Company understands that such reporting has been occurring for York Water Company within their LSL replacement plan. SWPA has not yet reviewed the specific requirements required.



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SM-6  
(Cagle)

M-6           What information should be provided to customers that are or may be affected by a known or suspected LSL or DWWL (e.g., the utility's replacement schedule, the material type of the company owned service line, etc.)?

Response:   Affected customers should be provided notice if they are impacted by an LSL. Such notice should recommend they test and check their internal plumbing for lead pipes, solder, and fixtures that may contain lead. The notice should also provide a website link to provide additional information (for example instructions for cleaning faucet screens.

SWPA has a small number of sewer customers and has not yet contemplated how the Act might impact the Company or its customers regarding such replacements.

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M-7  
(Cagle)

M-7            How and when should information be provided to customers that are or may be affected by a known or suspected LSL or DWWL? Discussions may include, but are not limited to, providing information in a website portal and/or printed materials, sending out materials at periodic intervals and/or providing materials when a customer completes an application for service.

Response:    Please see the response to M-6.

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M-8  
(Cagle)

M-8           What information, if any, should the utility provide a municipality about the number of known and suspected LSLs within its jurisdictional boundaries and the potential schedule for replacement?

Response:    SWPA believes information should be provided to municipalities however, the content and frequency of such communications should be discussed with the municipalities.

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M-9  
(Cagle)

M-9            What processes and procedures should utilities follow based upon a customer's acceptance of an LSL or DWWL replacement?

Response:    Generally, the provisions of AWWA C810-17 Replacement and Flushing of Lead Service Lines should be followed.

SWPA has a small number of sewer customers and has not yet contemplated how the Act might impact the Company or its customers regarding such replacements.

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M-10  
(Cagle)

M-10            What content should be included in notices to utility customers when a utility files a new tariff or tariff supplement pursuant to 66 Pa. C.S. § 1308 to replace LSLs and DWWLs?

Response:      The Company has not fully investigated a form of notice or if such notice is required. SWPA will update this response once complete.

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M-11  
(Cagle)

M-11           What are the best ways to prioritize LSL replacements outside of scheduled main replacement and relocation projects to allow for a proactive and distinct LSL replacement program in an efficient and effective manner?

Response:     AWWA Standard C810-17 - Replacement and Flushing of Lead Service Lines section II.A. *Prioritizing Lead Service Line Replacement*, suggests items to consider when prioritizing lead service line replacement follow (not in order of priority):

1.     Any lead service line that is physically disturbed by dig-ins, excavations, repairs, or similar activities.
2.     Existing partial lead service line replacements.
3.     Lead service lines supplying schools, day care centers, or other identified sensitive populations as defined by the USEPA.
4.     Lead service lines where sample results are more than 15 ppb or other established health levels.
5.     Lead service lines located in scheduled underground infrastructure work or street restoration work zones that could be replaced concurrently, minimizing any negative impact to customers.
6.     Multiple lead services within a compact area (cost containment).
7.     Length of lead pipe present in a particular service line.
8.     Consideration of presence of lead goosenecks and galvanized service lines.

The appropriate prioritization outside of main replacement and relocation projects should be developed as information about the LSL inventory is better known. One example may be a customer survey that would assist the Company in assessing the service type and internal plumbing.

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M-12  
(Cagle)

M-12      Should priority LSL replacement scheduling be provided for customers where water is/will likely be consumed by sensitive populations (e.g., children in schools or day-care centers, pregnant women, etc.), what criteria should make a customer eligible for prioritization and how should utilities obtain this information?

Response:      See the response to M-11.

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M-13  
(Cagle)

M-13 Describe the considerations and replacement procedure of an LSL on a property where the site conditions would be conducive to a standard approach?

Response: There are too many variables on the customer's property to develop a best practice. However the desired approach would be, if conditions are favorable, to not excavate a trench to replace by pulling the service. This standard approach for LSL replacement through pulling (vs. Open Trench) consists of digging holes at both end of the service. The new service line would be temporarily attached to the existing service. The existing service is then pulled out which also pulls in the new service.

Pulling is generally an option for the following conditions:

- 1) Lead, brass or Lead-lined galvanized (vs. unlined galvanized).
- 2) Soil conditions are favorable.
- 3) No conflicts with other utilities.
- 4) Shorter length of service
- 5) No above ground structures.



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M-14  
(Cagle)

M-14 Describe the considerations and replacement procedure of an LSL on a property where the site conditions would require the utility to take unique or extraordinary efforts?

Response: A non-standard or extraordinary approach is open trench where the entire service line is exposed. Conditions where open trench is necessary generally are:

- 1) Condition and type of material. i.e galvanized pipe that is fragile and most likely would break if pulled.
- 2) Soil conditions.
- 3) Large trees and or extensive landscaping
- 4) Conflict with other utilities
- 5) Length of service
- 6) Above ground structures, i.e. outbuildings, retaining walls, ornate fountains, etc.

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M-15  
(Cagle)

M-15           Should the Commission establish a cap on the amount a utility is permitted to invest in a LSL or DWWL replacement for a customer, what should this amount be and would it be reasonable to establish this cap based on a customer's meter size?

Response:       The objective of such a program would be to replace lead on the customer side. A customer/property owner would likely see a cost risk in determining whether or not to agree to replacement if a cap were established. The cost to replace has numerous factors which could have little to do with a customer's financial situation. As such, there are many variables which could come into play in such a replacement. Therefore, the Company does not believe establishing a cap on investment is the best alternative and could incent the customer to refuse replacement. However, a sharing of costs with the replacing customers whereby a customer would contribute some moneys for replacement could be a viable alternative. For example, if each customer who is receiving the service line replacement were to pay a flat fee for replacement, the customers would still receive significant benefit even though the actual cost to replace could vary. By doing so, the overall cost of the program could be mitigated and those replacements which are problematic could still be achieved and the overall objective of replacing customer side lead be met. SWPA does not believe meter size would be a proper criteria to use for LSL.

SWPA has a small number of sewer customers and has not yet contemplated how the Act might impact the Company or its customers regarding such replacements.

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M-16  
(Cagle)

- M-16           What processes or procedures should utilities follow based upon a customer's refusal of a LSL replacement, including:
- a.   Should there be any implications for residential real estate property where the presence of an LSL is identified but the current property owner refuses to voluntarily and affirmatively collaborate with the public utility in question in the replacement of such identified LSL (e.g., filing of notices with appropriate municipal authorities and property registration records whether the LSL and the corresponding company-owned LSL have been identified and have or have not been replaced)?
  - b.   Should utilities install a backflow prevention device on the company's service line and/or terminate service to the customer if an LSL is not replaced within a reasonable period?

Response:

- a.   Because alternatives exist to protect property owners from lead in their drinking water, SWPA does not believe property owners can be forced to replace their LSL. As the customer side service line is their property, without some additional legislative or municipal ordinance action, the utility could not impose any implication. Even with the LSL replacement program, if the customer has lead solder, lead piping inside the structure, or fixtures which contain lead, sample testing could still show the presence of lead over the 15 ppb level. If replacement is refused, the consequences for the additional potential from the LSL must fall to the customer. Confirmation of the refusal should be received from the customer if possible and information should be required to be provided to customers which explains the effects. However, particularly as a part of a replacement program associated with a company's main replacement program, partial service line replacements should continue as compliance with the Lead and Copper rule and any changes to it in the future. If a customer refuses to replace the LSL, that property should be eligible for being one of the sites on the Company's required sampling plan. Please see the response to M-17.
- b.   SWPA does not believe that installation of a backflow prevention device should be required.

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M-17  
(Cagle)

M-17            What processes or procedures should utilities follow based upon a customer's refusal of a DWWL replacement?

Response:      SWPA has a small number of sewer customers and has not yet contemplated how the Act might impact the Company or its customers regarding such replacements.

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M-18  
(Cagle)

M-18            If a customer refuses to accept full replacement of a LSL, what considerations should be addressed to reduce potential liabilities for the utility and its ratepayers?

Response:      Both currently and as a result of the act, a lead service line owned by the customer is the responsibility of the customer. A customer refusing replacement, of an LSL should be apprised of the risks and is, as a result of the refusal, accepting such responsibility. Communications with the customer should define this clearly. Also, please see Response M-16.

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M-19  
(Cagle)

M-19            Considering health implications associated with partial LSL replacements, should Company-owned LSLs be replaced where a customer refuses to allow replacement of the customer-owned LSL and, if so, what additional procedures should a utility follow than those previously discussed?

Response:      Please see the response to M-16. If partial replacements are not allowed, the associated main work may not occur.

As stated in M-18, utilities can only replace the portion of the lead service line that is utility owned. While partials are not preferred, the utility should be allowed to perform a partial if the property owner refuses. The Utility could provide public education and outreach to promote precautions that consumers can take to reduce lead exposure from a partial, such as:

- 1) Utilizing an appropriate filter pitcher certified to remove lead.
- 2) Take follow-up samples until the lead levels have returned to pre-partial replacement.
- 3) Use bottled water until lead levels have returned to pre-partial replacement.

If partial LSL replacements are not allowed while replacing a main, the main could not then be replaced as connecting the old service line would disturb the LSL and potentially cause the same issues as if a partial replacement were performed.

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M-20  
(Cagle)

M-20            When a number of LSLs are identified within a municipal boundary, should the utility seek legislative support regarding LSLs from the municipal entity to support a complete LSL replacement effort?

Response:      SWPA believes support from the municipal entity by encouraging residents to replace is appropriate however, a legislation or ordinances might not be necessary.

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M-21  
(Cagle)

M-21           What is the appropriate definition of a DWWL?

Response:     SWPA has a small number of sewer customers and has not yet contemplated how the Act might impact the Company or its customers regarding such replacements.



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M-22  
(Cagle)

M-22           What are reasonable standards, processes, and procedures for establishing the maximum number of LSLs and DWWLs that can be replaced annually?

Response:     Establishing a maximum number of LSL's and DWWL's that can be replaced annually is dependent on a number of factors including the inventory of LSL's, potential budgetary constraints, internal resources availability, the availability of qualified contractors, as well as potential municipal constraints regarding road opening. Based on SWPA's experience with encountering a minimal amount of LSLs and its practice to replace the goose necks when encountered, it believes a maximum limit is not applicable. However this could change based on any future acquisitions by the Company.

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M-23  
(Cagle)

M-23           What are reasonable standards, processes, and procedures for establishing a reasonable LSL or DWWL warranty term?

Response:     Generally a warranty would be provided by the contractor performing the work which would generally be one year for the workmanship.

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M-24  
(Cagle)

M-24           What are reasonable standards, processes, and procedures for establishing the amount and means for reimbursing customers that have replaced a LSL and/or DWWL within one year of commencement of a replacement project?

Response:     SWPA is not aware of customers which have replaced an LSL within the timeframe requested and has not yet contemplated procedures for determining if such customers exist.

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M-25  
(Cagle)

M-25            What constitutes customer LSL and DWWL projects as referenced in 66 Pa. C.S. 1311(vii) (B) and how would reimbursements be linked to the referenced project (e.g., proximity or direct impact)?

Response:     SWPA is not aware of customers which have replaced an LSL within the timeframe requested and has not yet contemplated procedures for determining if such customers exist.

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M-26  
(Cagle)

M-26      What benefits do LSL and DWWL replacements provide to each customer class, including the public and private fire protection, bulk/wholesale and industrial customer classes?

Response:      As a public health concern, each customer class benefits.

SWPA has a small number of sewer customers and has not yet contemplated how the Act might impact the Company or its customers regarding such replacements.

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M-27  
(Cagle)

M-27           What benefits do utilities and ratepayers realize from LSL and DWWL replacements apart from a return on and of the utility's investment?

Response:     Utility customers receive an overall public health benefit of lead being removed from the overall water system. The utility's customers also receive the benefit of lower costs in rates for compliance with the Lead and Copper rule as a result of compliance with mandates from the State Department of Environmental Protection. The utility gains the confidence of its customers as a provider of safe and reliable drinking water.

SWPA has a small number of sewer customers and has not yet contemplated how the Act might impact the Company or its customers regarding such replacements.

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M-28  
(Cagle)

M-28           What is the applicable depreciation or amortization rate for LSL and DWWL replacement costs for DSIC purposes and would this change over the life of the investment?

Response:     If included in plant in service, the cost of replacement would be reflected along with the cost of the associated company side service line and therefore depreciated as a cost component of that line. SWPA would not envision a specific depreciation rate for these costs.

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M-29  
(Cagle)

M-29           What is the applicable depreciation or amortization rate for LSL and DWWL replacement costs for base rate purposes and would this change over the life of the investment?

Response:     Please see the response to M-28. The depreciation rate would be the rate for Account 333, Services and would change as appropriate with depreciation studies.

SWPA has a small number of sewer customers and has not yet contemplated how the Act might impact the Company or its customers regarding such replacements.



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M-30  
(Cagle)

M-30            When allocating LSL and DWWL replacement costs between customer classes, what guidelines should balance cost causation, benefits received and LSL/DWWL replacement program participation while ensuring just and reasonable rates?

Response:      Generally, SWPA believes the attribution of costs between customer classes for Account 333, Services should not change from the accepted methodology for water companies.

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M-31  
(Cagle)

M-31            When allocating LSL and DWWL replacement costs within a customer class, should customers with larger meters and greater consumption than the average member of their customer class have a lesser, equal or greater proportionate financial responsibility for LSL and DWWL replacement costs and should this responsibility be capped at a fixed amount for customers with meters larger than a certain size?

Response:     Please see the response to M-30.

SWPA has a small number of sewer customers and has not yet contemplated how the Act might impact the Company or its customers regarding such replacements.

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M-32  
(Cagle)

M-32            What alternative financial support sources exist for the replacement of LSLs and DWWLs, e.g., grants, and how should the potential and actual use of such funding sources be recognized by public utilities for accounting and ratemaking purposes in their respective LSL and DWWL replacement programs?

Response:     The Company is not aware of alternative financial support which is currently available to investor owned utilities. If available, such funding could come from the State or Federal government if budgetary approval for the use of tax moneys were to be approved. For accounting and ratemaking purposes, such amounts should directly offset the costs of replacing customer side service lines. It should be noted that such funds could constitute CIAC which, for water and sewer utilities, is now taxable.

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M-33  
(Cagle)

M-33      Should utilities be required to continually seek out alternative financial support sources to fund the replacement of LSL and DWWLs and how should these efforts be documented and/or reported?

Response:      No. Please see the response to M-32.

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M-34  
(Cagle)

M-34           Should utilities be required to submit and receive approval of a new tariff or a tariff supplement pursuant to 66 Pa. C.S. § 1311 (b) (v) before LSL and DWWL replacement costs are incorporated into a utility's LTIP?

Response:     66 Pa. C.S. § 1311 (b)(2)(v) states as follows:

*“Notwithstanding any other provision of law to the contrary, a public utility providing water or wastewater service must obtain prior approval from the commission for the replacement of a customer-owned lead water service line or customer-owned damaged wastewater lateral by filing a new tariff or supplement to existing tariffs under section 1308 (relating to voluntary changes in rates).”*

As such, a tariff or tariff supplement must be filed and approved.