



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

April 16, 2021

Via Electronic Filing

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

Re: Implementation of Chapter 32 of the Public Utility Code
Re Pittsburgh Water and Sewer Authority
Docket Nos. M-2018-2640802 et al.
**I&E Letter in Support of PWSA's Petition for Amendment of the
Commission's February 4, 2021 Final Order**

Dear Secretary Chiavetta:

Please allow this letter to serve as formal notice that the Bureau of Investigation and Enforcement ("I&E") supports the requested modification of the procedural track of the above-referenced case set forth in Pittsburgh Water and Sewer Authority's ("PWSA") Petition for Amendment of the Commission's February 4, 2021 Final Order. I&E's support is, in part, informed by its experience in PWSA's Stage 1 Compliance case, whereby the parties' ability to work collaboratively led to the successful resolution of over 100 identified issues. Additionally, I&E's support is also predicated upon the recognition that PWSA's request will not deprive I&E of its ability to litigate any issues that may not be amicably resolved. Instead, the modified track will ultimately serve to streamline the litigation process to the benefit of PWSA, its ratepayers, parties, and the Commission.

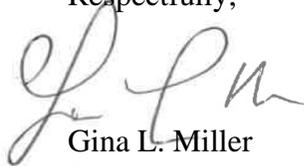
With the benefit of experience from PWSA's Stage 1 proceeding, I&E recognizes the merit of engaging in a Compliance Plan process that does not immediately contemplate litigation of all identified issues, but which provides a path forward that begins with a more collaborative, problem-solving approach. In I&E's view, the collaborative process parties undertook in the Stage 1 case was successful, in part, because PWSA's experts were able to effectively ask questions about compliance and to explain the barriers to compliance in a way that facilitated open discussion and problem-solving. I&E heavily participated in PWSA's Stage 1 Compliance Plan litigation, and it is therefore well-positioned to affirm PWSA's representation that departing from the litigation schedule to permit a more collaborative process significantly narrowed the disputed matters. PWSA correctly indicates that after the Stage 1 collaborative process concluded, 75% of the 185 issues were resolved prior to litigation,¹ and I&E submits that the outcome benefitted PWSA, its ratepayers, the parties, and the Commission.²

¹ PWSA's Petition, pp. 8-9, ¶19.

² Significantly, I&E notes that many of the issues that were not resolved prior to litigation centered around two subsets of issues that are likely to be less prevalent, to the extent that they exist at all, here: (1) legal conflicts between the Municipality Authorities Act and applicable public utility law and regulations, and (2) certain terms of service and contractual issues related to the City of Pittsburgh that have since been resolved by statute.

Importantly, and in recognition of the reality that not all identified issues may be amicably resolved, a modified procedural track would not deprive parties of the litigation process. While the process PWSA proposes would provide parties with an opportunity to engage in a more collaborative approach at the outset of the case, it would still preserve parties' ability to fully investigate PWSA's Stage 2 CP, conduct discovery, and to avail themselves of the litigation process for issues that could not be resolved.³ As a result, instead of depriving parties of the litigation process, PWSA's proposed modification would serve to streamline the litigation process, promote efficiency, and provide PWSA with more timely feedback to consider as it strives to achieve full, end-state compliance as directed in Chapter 32.⁴ For these reasons, I&E supports PWSA's Petition and respectfully requests that the Commission approve it without modification.

Respectfully,



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cc: Per Certificate of Service

³ PWSA Petition, ¶¶13, 28.

⁴ 66 Pa. C.S. §3204(b) directs PWSA to comply with the Public Utility Code, as well as all applicable rules, regulations and orders of the Commission.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Implementation of Chapter 32 of the Public Utility Code Re Pittsburgh Water and Sewer Authority : Docket Nos. M-2018-2640802 (Water)
: M-2018-2640803 (Wastewater)
:

Petition of the Pittsburgh Water and Sewer Authority for Approval of Its Long-Term Infrastructure Improvement Plan : Docket Nos. P-2018-3005037
: P-2018-3005039
:

CERTIFICATE OF SERVICE

I hereby certify that I am serving the foregoing **Letter** dated April 16, 2021, in the manner and upon the person listed below.

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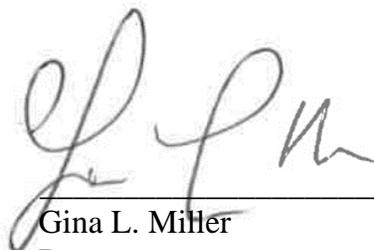
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