



April 26, 2021

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-2021-3024773, R-2021-3024774, R-2021-3024779**

Petition to Intervene and Answer of Pittsburgh United

Dear Secretary Chiavetta,

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

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 Submitted,

A handwritten signature in black ink, appearing to read "Ria M. Pereira".

Ria M. Pereira, Esq.
Counsel for Pittsburgh United

CC: Per Certificate of Service

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission	:	
	:	
v.	:	Docket Nos. R-2021-3024773
	:	R-2021-3024774
Pittsburgh Water and Sewer Authority	:	R-2021-3024779
	:	
	:	

CERTIFICATE OF SERVICE

I hereby certify that I have, on this day, served copies of the **Petition to Intervene and Answer of Pittsburgh United** in the above captioned matter upon the following persons and in accordance with the requirements of 52 Pa. Code § 1.54, and consistent with the Commission’s March 20, 2020 Emergency Order at Docket M-2020-3019262.

SERVICE VIA EMAIL ONLY

Daniel Clearfield, Esq. Deanne M. O'Dell, Esq. Karen Moury, Esq. Sarah Stoner, Esq. Eckert Seamans Cherin & Mellott, LLC 213 Market Street, 8 th Floor Harrisburg, PA 17101 dodell@eckertseamans.com dclearfield@eckertseamans.com kmoury@eckertseamans.com SStoner@eckertseamans.com	Sharon Webb, Esq. Erin Fure, Esq. Office of Small Business Advocate Forum Place, 555 Walnut Street, 1st Floor Harrisburg, PA 17101 swebb@pa.gov efure@pa.gov
Gina L. Miller, Esq. John M. Coogan, Esq. Bureau of Investigation and Enforcement Commonwealth Keystone Building 400 North Street, 2 nd Floor Harrisburg, PA 17120 ginmiller@pa.gov jcoogan@pa.gov	Christine M. Hoover, Esq. Erin L. Gannon, Esq. Lauren E. Guerra, Esq. Luis M. Melendez, Esq. Office of Consumer Advocate 555 Walnut Street 5th Floor, Forum Place Harrisburg, PA 17101 choover@paoca.org lguerra@paoca.org egannon@paoca.org LMelendez@paoca.org
Yvonne Hilton, Esq. John F. Doherty, Esq.	Whitney E. Snyder, Esq. Kevin J. McKeon, Esq.

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Respectfully submitted,



Ria M. Pereira, Esq., PA ID: 316771
Counsel for Pittsburgh United

Dated: April 26, 2021

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission :
v. : **Docket Nos. R-2021-3024773**
: **R-2021-3024774**
Pittsburgh Water and Sewer Authority : **R-2021-3024779**
:
:

**PETITION TO INTERVENE AND ANSWER OF
PITTSBURGH UNITED**

PENNSYLVANIA UTILITY LAW PROJECT

Counsel for Pittsburgh United

Ria M. Pereira, Esq., PA ID: 316771
Elizabeth R. Marx, Esq., PA ID: 309014
John Sweet, Esq. PA ID: 320182
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April 26, 2021

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, through its counsel at the Pennsylvania Utility Law Project, hereby petitions the Pennsylvania Public Utility Commission (Commission) to intervene and files its Answer in the above-captioned proceeding. In support thereof, Pittsburgh United states as follows:

1. On April 13, 2021, Pittsburgh Water and Sewer Authority (PWSA) submitted a rate filing, Tariff Water- PA. P.U.C. No.1, Supp. No. 7; Tariff Wastewater- PA. P.U.C. No.1, Supp. No. 6; and Tariff Stormwater - PA. P.U.C. No. 1. PWSA’s proposed tariffs seek approval of a multi-year rate increase and the addition of a stormwater fee which will increase overall rates by approximately \$32.2 million (17.1%) over two years. (Volume I, Statement of Reasons). For a residential customer using 3,000 gallons per month, the customer's total bill would increase from \$79.34 to \$87.19 per month (9.89%) in 2022, and from \$87.19 to \$91.05 per month (4.43%) in 2023.¹ (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 \$41.77 to \$45.34 per month (8.54%) in 2022, and from \$45.34 to \$47.90 per month (5.64%) in 2023.² 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 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).

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.

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 Tripps 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.³

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:

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

12. Counsel for Pittsburgh United consents to the service of documents by electronic mail to pulp@palegalaid.net 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

³ A list of Pittsburgh United's member organizations is available at <http://pittsburghunited.org/>. (Several member organizations are PWSA customers.)

unreasonable rates that would impose severe hardship on low and moderate income residential customers – especially in light of the ongoing economic crisis and uncertainty as a result of the COVID-19 pandemic.

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. A steep increase in rates such as the increase 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 24. 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. Further investigation is also necessary to determine if PWSA’s stormwater tariff is designed to adequately address the needs of low income consumers and to ensure that PWSA’s low income customers are not disproportionately impacted by the effects of PWSA stormwater proposal. See PWSA St. 7 at 28-37.

17. Continued delivery of safe, affordable water and wastewater services is of critical importance to the safety, welfare, and economic stability 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 universally available at an affordable rate, and that all universal service programs be developed, maintained, and appropriately funded to ensure such affordability. See 66 Pa. C.S. § 2203(3), (8). PWSA’s proposed rate increase could have a disparate impact of households with limited economic means and will undermine bill savings achieved through low income programs.

18. 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



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Dated: April 26, 2021

Verification

I, **Elizabeth R. Marx**, legal counsel for Pittsburgh United, 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

Dated: April 26, 2021