



May 27, 2021

Via E-FILE

Administrative Law Judge Eranda Vero
801 Market Street
Suite 4063
Philadelphia, PA 19107
evero@pa.gov

**Re: Pa. PUC v. Pittsburgh Water and Sewer Authority,
Docket Nos. R-2021-3024773, R-2021-3024774, R-2021-3024779**

Prehearing Conference Memorandum of Pittsburgh United

Dear Administrative Law Judge Vero,

Please find the **Prehearing Conference Memorandum of Pittsburgh United** 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

CC: *Certificate of Service*
Secretary Rosemary Chiavetta

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission

v.

Pittsburgh Water and Sewer Authority

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**Docket Nos. R-2021-3024773
R-2021-3024774
R-2021-3024779**

**PREHEARING CONFERENCE MEMORANDUM
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 W. Sweet, Esq., PA ID: 320182

Lauren N. Berman, Esq., PA ID: 310116

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Harrisburg, PA 17101

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pulp@palegalaid.net

May 27, 2021

On May 25, 2021, a Prehearing Conference Order was issued by Administrative Law Judge Eranda Vero setting a telephonic prehearing conference for Tuesday, June 1 at 2:00 p.m., and requiring parties to file a Prehearing Memorandum no later than 4:00 pm on Monday, May 31, 2021. In accordance with that Order, Pittsburgh United, through its counsel at the Pennsylvania Utility Law Project, hereby files this Prehearing Conference Memorandum.

I. Background

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.

On April 26, 2021, 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

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.

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

Pittsburgh United requests consolidated service as follows:

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

III. Representation of Pittsburgh United at Prehearing Conference

Pittsburgh United will be represented by Ria Pereira, 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 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). Thus, in addition to compliance with sound rate making principles, including the requirement that rates be just and reasonable, PWSA must also ensure that its rates and tariff comply with universal service requirements. See 66 Pa. C.S. § 2203(8). 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. Whether PWSA's proposed changes to its low income programs are adequate to remediate the effect of the proposed rate increase on low income customers.
- iv. Whether 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.

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
hgellerpulp@palegalaid.net

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 is actively working with the parties to arrive at mutually agreeable discovery modifications.

VII. Settlement

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

VIII. Litigation Schedule

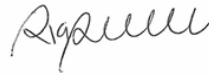
Pittsburgh United is actively working the parties to arrive at a mutually agreeable schedule for litigation. As of the date of the filing of this Prehearing Conference Memorandum, the parties are in discussion related to the following proposed procedural schedule:

Non-Company Parties' Direct Testimony	Friday, July 9, 2021
Rebuttal Testimony	Monday, August 9, 2021
Surrebuttal Testimony	Friday, August 20, 2021
Hearings	August 31, 2021 – September 2, 2021
Main Briefs	Wednesday, September 22, 2021
Reply Briefs	Monday, October 4, 2021

WHEREFORE, Pittsburgh United respectfully submits this Prehearing Conference Memorandum.

Respectfully submitted,

PENNSYLVANIA UTILITY LAW PROJECT
Counsel for Pittsburgh United



Ria M. Pereira, Esq., PA ID: 316771
Elizabeth R. Marx, Esq., PA ID: 309014
John W. Sweet, Esq., PA ID: 320182
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Date: May 27, 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
	:	
	:	

CERTIFICATE OF SERVICE

I hereby certify that I have, on this day, served copies of the **Prehearing Conference Memorandum 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

Administrative Law Judge Eranda Vero 801 Market Street Suite 4063 Philadelphia, PA 19107 evero@pa.gov cc: pmcneal@pa.gov	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
Gina L. Miller, Esq. Bureau of Investigation and Enforcement Commonwealth Keystone Building 400 North Street, 2 nd Floor Harrisburg, PA 17120 ginmiller@pa.gov	Christine M. Hoover, Esq. Erin L. Gannon, Esq. Lauren E. Guerra, Esq. Office of Consumer Advocate 555 Walnut Street 5th Floor, Forum Place Harrisburg, PA 17101 choover@paoca.org lguerra@paoca.org egannon@paoca.org cc: TMcCloskey@paoca.org
Sharon Webb, Esq. Erin Fure, Esq.	Whitney E. Snyder, Esq. Kevin J. McKeon, Esq.

<p>Teresa Reed Wagner Office of Small Business Advocate Forum Place, 555 Walnut Street, 1st Floor Harrisburg, PA 17101 swebb@pa.gov efure@pa.gov tereswagne@pa.gov</p>	<p>Thomas J. Sniscak, Esq. Hawke Mckeeon and Sniscak, LLP 100 N. 10th Street Harrisburg, PA 17101 wesnyder@hmslegal.com kjmckeeon@hmslegal.com tjsniscak@hmslegal.com</p>
<p>Yvonne Hilton, Esq. John F. Doherty, Esq. Lawrence H. Baumiller, Esq. City of Pittsburgh Department of Law 313 City-County Building 414 Grant Street Pittsburgh, PA 15219 yvonne.hilton@pittsburghpa.gov john.doherty@pittsburghpa.gov lawrence.baumiller@pittsburghpa.gov</p>	

Respectfully Submitted,
PENNSYLVANIA UTILITY LAW PROJECT
Counsel for Pittsburgh United



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