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September 8, 2021

VIA ELECTRONIC FILING

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

Re: Implementation of Chapter 32 of the Public Utility Code RE: Pittsburgh Water and Sewer Authority – Stage 2; Docket Nos. M-2018-2640802 & M-2018-2640803;
CITY OF PITTSBURGH'S PREHEARING CONFERENCE MEMORANDUM

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission is The City of Pittsburgh's Prehearing Conference Memorandum in the above-referenced matter. Copies have been served in accordance with the attached Certificate of Service.

If you have any questions regarding this filing, please contact the undersigned.

Very truly yours,

/s/ Whitney E. Snyder

Thomas J. Sniscak
Kevin J. McKeon
Whitney E. Snyder
Counsel for The City of Pittsburgh

WES/das

Enclosures

cc: ALJ Eranda Vero (via email, evero@pa.gov)
ALJ Gail M. Chiodo (via email, gchiodo@pa.gov)
Yvonne S. Hilton, City Solicitor (yvonne.hilton@pittsburghpa.gov)
John F. Doherty, Associate City Solicitor (john.doherty@pittsburghpa.gov)
Lawrence H. Baumiller, Assistant City Solicitor (lawrence.baumiller@pittsburghpa.gov)
Per Certificate of Service

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Implementation of Chapter 32 of the Public Utility Code Regarding Pittsburgh Water and Sewer Authority – Stage 2 : Docket Nos. M-2018-2640802
: M-2018-2640803
:

**PREHEARING CONFERENCE MEMORANDUM
ON BEHALF OF THE CITY OF PITTSBURGH**

TO THE HONORABLES ERANDA VERO AND GAIL M. CHIDO:

Pursuant to 52 Pa. Code Section 5.222(d) and Your Honors’ Prehearing Conference Order issued August 26, 2021, The City of Pittsburgh (“The City”) submits this prehearing conference memorandum.

A. PROCEDURAL HISTORY

On April 9, 2021, Pittsburgh Water and Sewer Authority (“PWSA”), pursuant to the procedural process set forth by the Pennsylvania Public Utility Commission (“Commission”) in its Opinion and Order on Stage 1 of PWSA’s Compliance Plan (“Stage 1 Final Order”),¹ filed its Stage 2 Compliance Plan: Chapters 14 & 56, the Discontinuance of Service to Leased Premises Act, and Collections (“Stage 2 Compliance Plan”).²

¹ See Implementation of Chapter 32 of the Public Utility Code Regarding Pittsburgh Water and Sewer Authority – Stage 1, Docket Nos. M-2018-2640802, *et al.*, Opinion and Order at 64-65 (Pa. PUC Feb. 4, 2021).

² Act 65 of 2017 created Chapter 32 of the Public Utility Code and provided for Commission oversight of PWSA as if it were a public utility. Act of Dec. 21, 2017, 2017 Pa. Laws 1208 (Act 65 of 2017). To implement Act 65 of 2017, the Commission established a two-stage review of PWSA’s Compliance Plan, with Stage 1 prioritizing health and safety issues related to the safe, adequate, reliable, and reasonable provision of water service and the revenues necessary to support adequate water quantity and quality, and Stage 2 focusing on billing and collection issues.

Also on April 9, 2021, PWSA filed a petition for amendment of the Commission's Stage 1 Final Order seeking an extension of the procedural process to address the Stage 2 Compliance Plan.

On May 20, 2021, the Commission issued an Order that granted, in part, and denied, in part, PWSA's petition for amendment. The Order amended the timeline for the assignment of the Stage 2 Compliance Plan to the Office of Administrative Law Judge ("OALJ"), allowing time for additional informal workshops relating to PWSA's compliance with Chapter 14 of the Code and Chapter 56 of the Commission's regulations and issues deferred from the final Stage 1 Final Order.

Consistent with that Order, two additional informational sessions were held on June 17, 2021, and June 25, 2021, whereafter the Commission's Bureau of Consumer Services (BCS) completed its review of PWSA's Stage 2 Compliance Plan and prepared a Report and Directed Questions to be addressed during the review of PWSA's proposed Stage 2 Compliance Plan.

On August 5, 2021, the Commission issued a Secretarial Letter assigning this matter to the OALJ to conduct evidentiary hearings to address, *inter alia*, the matters raised in the BCS report. This matter was further assigned to Administrative Law Judges Eranda Vero ("ALJ Vero") and Gail M. Chiodo ("ALJ Chiodo") (collectively, "the Presiding Officers").

On September 8, 2021, the City filed its Petition to Intervene in the above-captioned proceedings seeking to protect its interests in this matter.

The Presiding Officers issued a Prehearing Conference Order scheduling a telephonic prehearing conference for Thursday, September 9, 2021 at 10:00 a.m. The parties are directed to submit prehearing memorandums to the Presiding Officers by 4:00 p.m. on September 8, 2021.

The City hereby submits its Prehearing Conference Memorandum and sets forth the following:

B. SERVICE

Electronic and hard copy service of all correspondence, discovery, documents, and pleadings to The City should be directed to The City’s counsel in this matter:

Thomas J. Sniscak, Attorney I.D. # 33891
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For purposes of this prehearing conference, Whitney Snyder will be the primary attorney speaking on behalf of The City.

C. WITNESSES

At this time, The City does not intend to present testimony in this proceeding. The City, however, reserves its right to present the expert witness testimony of Howard Woods, the Principal of Howard J. Woods Jr. & Associates, LLC. Below is the contact information for Mr. Woods:

Howard J. Woods, Jr., P.E.
Howard J. Woods, Jr. & Associates, L.L.C.
49 Overhill Road
East Brunswick, NJ 08816-4211
howard@howardwoods.com

The City also requests that copies of all interrogatories, answers to interrogatories, testimony and exhibits submitted be e-mailed directly to Mr. Woods at howard@howardwoods.com.

Additionally, The City reserves the right to present additional witnesses should its discovery or its review of responses to the discovery of other parties raise additional issues.

D. ISSUES

The City has not identified any issues it seeks to address at this time. The City, however, reserves its right to investigate and respond to any and all issues raised during its review of PWSA's filing and discovery or testimony served in this matter.

E. PROPOSED PLAN AND SCHEDULE OF DISCOVERY

The City takes no position on the proposed plan and schedule of discovery, but is willing to work with the parties to reach a mutually acceptable agreement.

F. PROPOSED LITIGATION SCHEDULE

The City is willing to work with the parties on a mutually agreeable litigation schedule in this matter.

G. SETTLEMENT

The City is willing to participate in settlement discussions with the other parties.

WHEREFORE, The City of Pittsburgh respectfully submits this Prehearing Conference Memorandum in the above-captioned matter.

Respectfully submitted,

/s/ Whitney E. Snyder

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DATED: September 8, 2021

Attorneys for The City of Pittsburgh

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the forgoing document upon the persons listed below in accordance with the requirements of § 1.54 (relating to service by a party).

VIA ELECTRONIC MAIL ONLY

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/s/ Whitney E. Snyder

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Whitney E. Snyder

DATED: September 8, 2021