



January 24, 2022

Via Electronic Filing

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

Re: Petition of The Pittsburgh Water and Sewer Authority for Approval of Pilot Private Service Line Leak Repair and Expanded Conservation Program for Eligible Low Income Customers And Authorization to Track Costs as a Regulatory Asset for Future Base Rate Recovery Docket No. P-2022-3030253

Petition to Intervene and Answer of Pittsburgh United

Dear Secretary Chiavetta,

Enclosed, please find the **Petition to Intervene and Answer of Pittsburgh United** in the above-referenced matter. Pursuant to the Commission's Emergency Orders, and as indicated on the attached Certificate of Service, service on the parties was accomplished by email only.

Respectfully Submitted,



Lauren N. Berman, Esq.
Counsel for Pittsburgh United

CC: Per Certificate of Service

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of The Pittsburgh Water and Sewer Authority for Approval of Pilot Private Service Line Leak Repair and Expanded Conservation Program for Eligible Low Income Customers and Authorization to Track Costs as a Regulatory Asset for Future Base Rate Recovery :
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 : Docket No. P-2022-3030253
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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 Emergency Orders at Docket M-2020-3019262.

SERVICE VIA EMAIL ONLY

Sharon Webb, Esq. Erin K. Fure, Esq. Office of Small Business Advocate Forum Place Building 555 Walnut Street, 1st Floor Harrisburg, PA 17101 swebb@pa.gov efure@pa.gov	Christine Maloni Hoover, Esq. Erin L. Gannon, Esq. Lauren E. Guerra, Esq. Santo G. Spataro, Esq. Office of Consumer Advocate 555 Walnut St., 5th Fl., Forum Place Harrisburg, PA 17101-1923 choover@paoca.org egannon@paoca.org lguerra@paoca.org SSpataro@paoca.org
Roger D. Colton Fisher, Sheehan & Colton 34 Warwick Road Belmont, MA 02478 roger@fsconlin.com	Gina L. Miller, Esq. Bureau of Investigation & Enforcement Commonwealth Keystone Building 400 North St., 2nd Floor West Harrisburg, PA 17120 ginmiller@pa.gov
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<p>Thomas J. Sniscak, Esq. Kevin J. McKeon, Esq. Whitney E. Snyder, Esq. Hawke McKeon & Sniscak, LLP 100 North Tenth Street Harrisburg, PA 17101 kjmckeon@hmslegal.com tjsniscak@hmslegal.com wesnyder@hmslegal.com</p>	<p>Deanne M. O'Dell, Esq. Daniel Clearfield, Esq. Eckert Seamans Cherin & Mellott, LLC 213 Market Street, 8th Floor Harrisburg, PA 17101 dodell@eckertseamans.com dclearfield@eckertseamans.com</p>

Respectfully submitted,



Lauren N. Berman, Esq., PA ID: 310116
Counsel for Pittsburgh United

Dated: January 24, 2022

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of The Pittsburgh Water and Sewer Authority for Approval of Pilot Private Service Line Leak Repair and Expanded Conservation Program for Eligible Low Income Customers and Authorization to Track Costs as a Regulatory Asset for Future Base Rate Recovery :
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**PETITION TO INTERVENE AND ANSWER OF
PITTSBURGH UNITED**

PENNSYLVANIA UTILITY LAW PROJECT

Counsel for Pittsburgh United

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January 24, 2022

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. Pursuant to the Settlement in the PWSA 2020 Rate Case,¹ PWSA agreed to file a Petition for a proposed line repair and conservation program within one year after entry of the Commission’s final order in that case, or by December 3, 2021.

2. On January 3, 2022, Pittsburgh Water and Sewer Authority (PWSA) submitted its Petition for a Pilot Private Service Line, Leak Repair, and Expanded Conservation Program for Eligible Low Income Customers and Authorization to Track Costs as a Regulatory Asset for Future Base Rate Recovery (Pilot) or (Petition).

3. On January 21, 2021, the Bureau of Investigation and Enforcement filed an Answer to PWSA’s Petition.

4. As of the date of this filing, no further actions have been taken at this docket.

Petition to Intervene

5. 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).

6. Section 5.72 further provides that the right or interest may be one “which may be

¹ Joint Petition for Settlement, PA Public Utility Commission et al., v. Pittsburgh Water and Sewer Authority, Docket Nos. R-2020-3017951, et al, and R-2020-3017970, et al. at § F.7.c.iii.

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).

7. 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).

8. 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.

9. 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.

10. Pittsburgh United is located at 841 California Ave., Pittsburgh, PA 15212.

11. Pittsburgh United has a significant interest, on behalf of its members, in the impact of PWSA’s proposed Pilot program on moderate and low income residential customers. These interests are not adequately represented by other participants.

12. 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.²

13. 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.

14. Pittsburgh United is represented in this proceeding by counsel at the Pennsylvania Utility Law Project:

Lauren N. Berman, Esquire
Ria M. Pereira, Esquire
Elizabeth R. Marx, Esquire
John W. Sweet, Esquire
Pennsylvania Utility Law Project
118 Locust Street
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Telephone: 717-236-9486
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15. Counsel for Pittsburgh United consents to the service of documents by electronic mail to pulp@pautilitylawproject.org as provided in 52 Pa. Code § 1.54(b)(3).

Answer

16. Pittsburgh United has preliminarily reviewed the Petition and is generally supportive of conservation programming, specifically those that are designed to benefit low income households that cannot otherwise afford to remediate leaks that can increase usage and exacerbate rate unaffordability. Upon initial review, Pittsburgh United notes the following issues which it believes should be further investigated through the course of this proceeding:

² A list of Pittsburgh United's member organizations is available at <http://pittsburghunited.org/>. (Several member organizations are PWSA customers.)

- The adequacy of proposed funding to serve identified need for low income households in PWSA’s service territory;
- The content of education and outreach materials to be provided to tenants (Petition at ¶ 37),
- The effectiveness of PWSA’s proposal to train CARES team members to detect leaks, whether over the phone or in person (Petition at ¶ 35), and
- PWSA’s proposed metrics and evaluation of the Pilot program (Petition at ¶ 44).

Further review of the Petition is required to ensure that the Pilot will fulfill its stated goals.

17. Pittsburgh United asserts that it is essential that along with its tenant outreach, PWSA establish a robust outreach and education materials targeted to landlords/tenant-occupied property owners. According to US Census data, the owner-occupied housing unit rate in Pittsburgh between 2015 and 2019 was 47.2%, leaving approximately 52% of households as renters.³ Renters’ incomes also tend to be lower than homeowners’ incomes. Almost 67% of renter-occupied households earn below the median household income, compared to 37.7% of owner-occupied households. And 27% of renters are extremely low-income, compared to just 6.8% of homeowners.⁴ With the high percentage of renters in PWSA’s service area and many of those renters presumably low income, it is paramount that this Pilot reach and provide services for those most at need.

18. While not specifically contemplated in the Petition, Pittsburgh United asserts that, in the event the Pilot is approved and subsequently expanded into a permanent program, any

³ <https://www.census.gov/quickfacts/fact/table/pittsburghcitypennsylvania/HSG860219>

⁴ <https://pittsburghpa.gov/dcp/ahtf/index.html>, City of Pittsburgh – Housing Needs Assessment, 2016 at 16.

unspent Pilot funds should be rolled over into the following program year. Much like the Low Income Usage Reduction Program (LIURP), the requirement that unspent money stay in the program encourages utilities to fully utilize allocated funds each year.

19. It is likely that in further review of PWSA's proposals, and as a result of conversations with PWSA and other stakeholders, other issues may present themselves. Pittsburgh United reserves the right to raise other issues as they become relevant to the proceeding.

17. Pittsburgh United does not object to PWSA's proposal to hold the proceedings in abeyance for 60 days or until March 25, 2022. Pittsburgh United believes that conversations with PWSA and other stakeholders may allow the parties to come to an agreement regarding the specifics of PWSA's Petition – helping to preserve the resources of the parties, PWSA, and the Commission.

18. Pittsburgh United asserts that these matters, and any future modifications presented by intervening parties, must be thoroughly reviewed to ensure that the proposed Pilot program benefits low income households as well as utilizes its proposed budget in an efficient manner.

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



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

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Dated: January 24, 2022

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: January 24, 2022