



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

January 31, 2022

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 Regarding
Pittsburgh Water and Sewer Authority
Stage 2 Compliance Plan-Stormwater
Docket Nos. M-2018-2640802 and M-2018-2640803
I&E Letter Supporting PWSA Stormwater Extension Request

Dear Secretary Chiavetta:

Please allow this letter to serve as formal notice that the Bureau of Investigation and Enforcement (I&E) supports the extension for litigation of stormwater issue as proposed in Pittsburgh Water and Sewer Authority's (PWSA) filing of January 20, 2022.¹ In its request, PWSA asks the Commission to separate the stormwater component of the above-referenced case from the customer service and collections issues currently being addressed in the ongoing Stage 2 litigation. Additionally, PWSA asks the Commission to extend time for the investigation of stormwater issues so as to permit identification of issuance of an anticipated additional set of directed questions and to allow stakeholders more time to identify, develop, and where possible, resolve issues in the stormwater case.

I&E supports PWSA's request because if it is not granted, I&E submits that parties' ability to provide the Commission with a comprehensive record for consideration of novel stormwater issues will be compromised. As an example, under the existing litigation schedule, PWSA's stormwater compliance case is scheduled for evidentiary hearings on February 15-16, 2022.² If the stormwater case must be litigated under the existing schedule, it is unlikely that additional directed questions for stormwater could even be issued, let alone considered, before the hearing dates. Aside from concerns about parties' ability to address directed questions, I&E submits that it is impracticable for parties to present rounds of stormwater testimony in the next two weeks, especially considering the complexity of the novel stormwater issues. Instead of truncating development of the stormwater record in order to force it to align with the customer service and collections timeline, I&E supports PWSA's extension request and joins it by way of this letter.

¹ *Implementation of Chapter 32 of the Public Utility Code RE: Pittsburgh Water and Sewer Authority*, Docket Nos. M-2018-2640802 and M-2018-2640803 ("PWSA Compliance Plan Case"), Stage 2 Compliance Plan: Stormwater (January 20, 2022), Pages 1-2 of Cover Letter.

² *PWSA Compliance Plan Case*, Prehearing Order, pp. 3-4 (September 28, 2021).

Finally, I&E recognizes that PWSA's extension request is not accompanied by a proposed timeline for the Commission's consideration. I&E is loath to unilaterally suggest a timeline that is not informed by a larger discussion of PWSA's constraints, the content of upcoming directed questions, and any further Commission directives. To that end, if the Commission is willing to grant PWSA's extension, I&E suggests that it may be prudent to permit parties and the Administrative Law Judges an opportunity to submit a proposed schedule that considers any further guidance that the Commission may issue. From I&E's perspective, it would be reasonable to allow parties thirty (30) days from the date of the issuance of the additional directed questions to develop a schedule that will facilitate full and comprehensive development of the stormwater issues and of the record for this case. However, I&E offers this path only as a suggestion and it will defer to the course that the Commission determines best.

Respectfully,



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GLM/ac
Enclosure

cc: 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 Compliance :
Plan-Stormwater :

Docket Nos. M-2018-2640802
M-2018-2640803

CERTIFICATE OF SERVICE

I hereby certify that I am serving the foregoing **Letter** dated January 31, 2022, in the manner and upon the persons listed below:

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