



June 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**

*Prehearing Memorandum of Pittsburgh United*

Dear Secretary Chiavetta,

Enclosed, please find the **Prehearing Memorandum 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,



John W. Sweet, 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 **Prehearing 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 Emergency Orders at Docket M-2020-3019262.

**SERVICE VIA EMAIL ONLY**

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Respectfully submitted,



John W. Sweet, Esq., PA ID: 320182  
*Counsel for Pittsburgh United*

Dated: June 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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**PREHEARING MEMORANDUM OF  
PITTSBURGH UNITED**

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**PENNSYLVANIA UTILITY LAW PROJECT**  
*Counsel for Pittsburgh United*

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**June 24, 2022**

## **I. INTRODUCTION**

On June 14, 2022, the Honorable Administrative Law Judges Eranda Vero and Gail M. Chiodo (ALJs) issued a Prehearing Conference Order scheduling a Prehearing Conference for Monday, June 27, 2022, at 10:00 a.m. The Prehearing Conference Order requested that each party file and serve a Prehearing Memorandum on or before June 24, 2022, at 12:00 pm. Pittsburgh United, through its counsel at the Pennsylvania Utility Law Project, hereby submits this Prehearing Memorandum in accordance with that Order.

## **II. HISTORY OF THE PROCEEDING**

Pursuant to the Settlement in the PWSA 2020 Rate Case at Docket No. R-2020-3017951, 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.

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).

On January 21, 2022, the Bureau of Investigation and Enforcement filed an Answer to PWSA's Petition. On January 24, 2022, Pittsburgh United filed a Petition to Intervene. On January 25, 2022, the Office of Small Business Advocate filed a Notice of Intervention and the Office of Consumer Advocate filed an Answer to PWSA's Petition.

On June 14, 2022, the Honorable Administrative Law Judges Eranda Vero and Gail M. Chiodo (ALJs) issued a Prehearing Conference Order scheduling a Prehearing Conference for Monday, June 27, 2022, at 10:00 a.m. and requested that each party file and serve a Prehearing

Memorandum on or before June 24, 2022, at 12:00 pm. Pittsburgh United submits this Prehearing Memorandum in response.

### **III. ISSUES TO BE ADDRESSED**

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:

- The adequacy of proposed funding to serve identified need for conservation and service repair assistance to 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. 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. 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. 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.

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 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.

In addition, Pittsburgh United anticipates that other issues are likely to arise as a more comprehensive review of PWSA's filing is undertaken, discovery is conducted, and other parties present evidence and testimony. Pittsburgh United reserves the right to present evidence on any of the other issues contained in PWSA's filing but not specifically identified above, and to respond to issues raised by other parties.

#### **IV. WITNESSES**

Pittsburgh United intends to present the following witness to testify in this matter:

Mitchell Miller  
Mitch Miller Consulting LLC  
60 Geisel Road  
Harrisburg, PA 17112  
717-903-2196  
[Mitchmiller77@hotmail.com](mailto:Mitchmiller77@hotmail.com)

Mr. Miller will address the issues identified above, as well as other issues that may arise in the course of this proceeding. Pittsburgh United reserves the right to identify and call additional witnesses as may be warranted upon proper notice to Your Honors and the parties.

With respect to the presentation of expert testimony, Pittsburgh United also notes that in an effort to conserve resources and prevent unnecessary duplication, it may rely on portions of

expert testimony admitted to the record in PWSA's base rate cases and compliance plan proceedings. Moreover, Pittsburgh United reserves the right to address any potential legal issue through briefing, without the presentation of expert witness testimony.

**V. DISCOVERY**

Pittsburgh United supports the discovery modifications proposed by OCA in its Prehearing Memorandum.

**VI. SETTLEMENT**

Pittsburgh United is ready and willing to work with any and all of the other parties in this proceeding in an attempt to come to a full or partial settlement of the litigated issues.

**VII. SERVICE ON PITTSBURGH UNITED**

Service on Pittsburgh United may be made on its attorneys at the Pennsylvania Utility Law Project as follows:

John W. Sweet, Esq., PA ID: 320182  
Lauren N. Berman, Esq., PA ID: 310116  
Elizabeth R. Marx, Esq., PA ID: 309014  
Ria M. Pereira, Esq., PA ID: 316771  
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Attorney John Sweet will represent Pittsburgh United at the Prehearing Conference in this proceeding. For the purposes of this proceeding, Pittsburgh United will accept electronic service.

### **VIII. LITIGATION SCHEDULE**

Pittsburgh United has actively engaged in discussions with PWSA and other parties in an attempt to reach an agreement on a litigation schedule and believes that the parties have reached an agreement on the following schedule proposed by PWSA in its prehearing memorandum:

<b><u>Event</u></b>	<b><u>Proposal</u></b>
Prehearing Conference	June 27, 2022
PWSA Direct Testimony	August 12, 2022
Service of written rebuttal testimony	September 13, 2022
Service of written surrebuttal testimony	October 4, 2022
Rejoinder Outline or Testimony	October 31, 2022
Witness matrix listing the parties intending to cross-examine each witness and the extent of any cross-examination	November 4, 2022
<b><u>Technical evidentiary hearings</u></b>	<b><u>Week of November 7, 2022</u></b>
Filing and service of main briefs	December 1, 2022
Filing and service of reply briefs or submission of joint settlement petition executed by representatives of parties thereto, together with all parties' statements in support of joint petition/settlement	December 20, 2022

**IX. CONCLUSION**

Pittsburgh United respectfully requests that its Prehearing Memorandum be entered into the record of this proceeding.

Respectfully submitted,

**PENNSYLVANIA UTILITY LAW PROJECT**  
*Counsel for Pittsburgh United*



John W. Sweet, Esq., PA ID: 320182  
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Date: June 24, 2022