

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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June 24, 2022

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
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

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Prehearing Memorandum in the above-referenced proceeding.

Copies have been served per the attached Certificate of Service.

Respectfully submitted,

/s/ Lauren E. Guerra

Lauren E. Guerra

Assistant Consumer Advocate

PA Attorney I.D. # 323192

E-Mail: [LGuerra@paoca.org](mailto:LGuerra@paoca.org)

Enclosures:

cc: The Honorable Eranda Vero (**email only**)  
The Honorable Gail M. Chiodo (**email only**)  
Certificate of Service

\*331084

CERTIFICATE OF SERVICE

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

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate’s Prehearing Memorandum, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 24<sup>th</sup> day of June 2022.

**SERVICE BY E-MAIL ONLY**

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Dated: June 24, 2022  
\*323279

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Re:   Petition of The Pittsburgh Water and Sewer         :  
      Authority for Approval of Pilot Private Service       :  
      Line Leak Repair and Expanded Conservation         :         Docket No. P-2022-3030253  
      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 THE  
OFFICE OF CONSUMER ADVOCATE

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Pursuant to Section 333 of the Public Utility Code, 66 Pa. C.S. § 333, and in response to the Prehearing Conference Order issued in the above-captioned matter, the Office of Consumer Advocate (OCA) provides the following information:

**I.    INTRODUCTION**

On January 3, 2022, the Pittsburgh Water and Sewer Authority (PWSA or the Authority) filed its Petition of The Pittsburgh Water and Sewer Authority For Approval of Pilot 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 (Petition). On January 24, 2022, the OCA filed its Answer to the Petition supported the creation of a pilot private service line leak repair program (Pilot Program) but requesting that the Petition be denied as proposed based upon certain issues identified in its initial review of the program related to budget, cross-enrollment, leak detection screening, reporting requirements, larger leaks, access to rental properties, credits and efficiencies. The OCA submits that the issues discussed below should be addressed prior to the implementation of the Pilot Program.

## II. ISSUES

The issues and sub-issues set forth below, and others that may develop during discovery, will be analyzed and presented as appropriate by the OCA with the assistance of its expert witnesses:

### A. Budget

1. The OCA will examine the proposed Year 1 administrative costs of 15% (Petition at 21) as compared to projected ongoing costs.
2. The OCA will examine what an appropriate long-term budget for the program may be.

### B. Cross-Enrollment

1. The OCA will examine PWSA's development of a "cross-enrollment" process (Petition at 10).

### C. Leak Detection Screening

1. The OCA will examine the reasonableness of PWSA's proposed metric for identifying leaks and definition of "high consumption" (Petition at 12).

### D. Reporting Requirements

1. The OCA will examine the comprehensiveness and reasonableness of PWSA's proposed reporting requirements which may be helpful in determining the effectiveness of the Pilot Program.

### E. Larger Leaks

1. The OCA will examine the reasonableness of PWSA's proposal to address larger leaks, including timing of repair (Petition at 20).

### F. Access to Rental Properties

1. The OCA will review PWSA's proposal regarding access to tenant-occupied properties for water leak repairs for reasonableness and safety concerns.

### G. Credits

1. The OCA will examine the issue of credits and determine whether it would be appropriate for PWSA to offer credits for high consumption attributed to unrepaired leaks.

H. Efficiencies

1. The OCA will examine whether there would be efficiencies that can be gained in leak repairs, deployment of contractors and distribution of conservation equipment by assisting multiple housing units in the same neighborhood.

**III. WITNESSES**

The OCA intends to issue discovery and present testimony as may be necessary, of the following witnesses in this proceeding. Each witness will present testimony in written form and will also attach various exhibits, documents, and explanatory information, as necessary, to assist in the presentation of the OCA's case. The OCA requests that instead of hard-copy mail, the parties send responses to the OCA consultant by e-mail as indicated below:

Roger D. Colton  
Fisher, Sheehan & Colton  
34 Warwick Road  
Belmont, MA 02478  
[roger@fsconline.com](mailto:roger@fsconline.com)

Terry L. Fought  
780 Cardinal Drive  
Harrisburg, PA 17111  
[FoughtBusiness@gmail.com](mailto:FoughtBusiness@gmail.com)

The OCA specifically reserves the right to call additional witnesses, as necessary. All parties of record will be notified as soon as the OCA has determined whether an additional witness or witnesses will be necessary for any portion of its case.

**IV. EVIDENCE**

The OCA will rely on the testimony of its expert witnesses as well as the testimony of other parties to the proceeding. The OCA will also present relevant exhibits to support its own testimony, including but not limited to, materials obtained from the Authority through discovery and cross-examination.

**V. SERVICE ON THE OCA**

The OCA will be represented in this case by Deputy Consumer Advocate Christine Maloni Hoover, Senior Assistant Consumer Advocate Erin L. Gannon and Assistant Consumer Advocate Lauren E. Guerra. A copy of all documents should be served on the OCA by e-mail only:

Christine Maloni Hoover, Deputy Consumer Advocate  
Erin L. Gannon, Senior Assistant Consumer Advocate  
Lauren E. Guerra, Assistant Consumer Advocate  
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(717) 783-7152 (facsimile)

## **VI. PROPOSED SCHEDULE**

The OCA has attached the proposed schedule as Appendix A. It is the OCA's understanding that this schedule is agreed to by all parties to this proceeding.

## **VII. DISCOVERY**

To date, the OCA has not yet issued discovery. Going forward, the OCA proposes the following modifications to the Commission's discovery regulations. The OCA notes, however, that it anticipates using informal discovery in this case and will work with PWSA to ensure that discovery is completed efficiently and effectively.

- A. Answers to interrogatories and responses to requests for document production, entry for inspection, or other purposes shall be served in-hand within ten (10) calendar days of service of the interrogatories or requests for production.
- B. Objections to interrogatories and/or requests for production shall be communicated orally to the propounding party within three (3) calendar days of service; unresolved objections shall be served in writing to the propounding party within five (5) calendar days of service of the interrogatories and/or requests for production.
- C. Motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within three (3) calendar days of service of written objections.
- D. Answers to motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within three (3) calendar days of service of such motions.
- E. Requests for admission be deemed admitted unless answered within ten (10) days or objected to within five (5) days of service.
- F. Discovery requests and discovery related pleadings (such as objections, motions, and answers to same) served after 4:30 p.m. Monday through Thursday or after 12:00 p.m. on a Friday or the day preceding a holiday shall be deemed to have been served on the next business day.
- G. On the Record Data requests will be provided within five (5) calendar days.

**VIII. SETTLEMENT**

The OCA is willing to participate in settlement discussions.

Respectfully Submitted,

/s/ Christine Maloni Hoover  
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Counsel for:  
Patrick M. Cicero  
Consumer Advocate

DATE: June 24, 2022  
\*331033

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Re: Petition of The Pittsburgh Water and Sewer :  
Authority for Approval of Pilot Private Service :  
Line Leak Repair and Expanded Conservation : Docket No. P-2022-3030253  
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**PROPOSED PROCEDURAL SCHEDULE  
OF THE  
OFFICE OF CONSUMER ADVOCATE**

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Prehearing Conference	June 27, 2022
PWSA Direct Testimony	August 12, 2022
Rebuttal Testimony	September 13, 2022
Surrebuttal Testimony	October 4, 2022
Rejoinder Outline or Testimony	October 31, 2022
Witness Matrix	November 4, 2022
Evidentiary Hearings	Week of November 7, 2022
Main Briefs	December 1, 2022
Reply Briefs or Joint Settlement Petition and Statements in Support	December 20, 2022