

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Implementation of Chapter 32 of the Public	:	M-2018-2640802 (Water)
Utility Code Regarding Pittsburgh Water and	:	M-2018-2640803 (Wastewater)
Sewer Authority – Stage 2 (Stormwater)	:	

**ORDER ADMITTING EVIDENCE INTO THE RECORD**

On May 15, 2022, counsel for the Pittsburgh Water and Sewer Authority (“PWSA”), informed the undersigned via e-mail that the parties in this proceeding had either reached a settlement of all the issues raised in this matter, or did not object to the settlement. Counsel also informed us that the parties expected to file a joint settlement by June 9, 2022 and had agreed to stipulate into the record the PWSA testimony that was submitted in this phase of the proceeding as well as to waive cross examination on that testimony.

On June 9, 2022, PWSA, the Office of Consumer Advocate (“OCA”), the City of Pittsburgh (“City”), and Pittsburgh United (collectively, the “Stipulating Parties”), filed a “Joint Petition for Settlement Regarding PWSA’s January 20, 2022 Stage 2 Compliance Plan: Stormwater (Revised)” in the above-captioned proceeding. The Stipulating Parties also indicated that the Commission’s Bureau of Investigation and Enforcement (“I&E”) and Office of Small Business Advocate (“OSBA”), while not signatories of the Joint Petition, did not oppose it.

In the Joint Petition, the Stipulating Parties requested, *inter alia*, that the undersigned administrative law judges (“ALJs”) admit into the record the pre-served testimony and exhibits and take other action as described in Appendix A attached to the Joint Petition.

Appendix A is a list of the pre-served testimony and exhibits of the parties. It includes not only the pre-served testimony, exhibits, and verification submitted in this phase of the proceedings, but also offers in evidence a portion of the record in *Pennsylvania Public Utility Commission v. Pittsburgh Water and Sewer Authority*, Docket Nos. R-2021-3024773

(water); R-2021-3024774 (wastewater); and R-2021-3024779 (stormwater) (“*PWSA 2021 Rate Case*”), and requests that the Commission take administrative notice of the Commission’s Final Order enter on November 18, 2021 on *PWSA 2021 Rate Case*.

Pursuant to 52 Pa. Code §§ 5.406 and 5.407,

(a) A report, decision, opinion or other document or part thereof, need not be produced or marked for identification, but may be offered in evidence as a public document by specifying the document or part thereof and where it may be found, if the document is one of the following:

(1) A report or other document on file with the Commission.

(2) An official report, decision, opinion, published scientific or economic statistical data or similar public document which is issued by a governmental department, agency, committee, commission or similar entity which is shown by the offeror to be reasonably available to the public.

(b) Upon the request of a party and at the direction of the presiding officer or the Commission, a party who incorporates by reference a pleading shall provide a copy of the pleading to the party requesting one.

52 Pa. Code § 5.406. Additionally,

(a) When a portion of the record in another proceeding before the Commission is offered in evidence and shown to be relevant and material to the instant proceeding, a true copy of the record shall be presented in the form of an exhibit, together with additional copies as provided in § 5.409 (relating to copies and form of documentary evidence), unless both of the following occur:

(1) The party offering the record agrees to supply, within a period of time specified by the Commission or the presiding officer, the copies at his own expense, if any, when so required.

(2) The portion is specified with particularity so as to be readily identified, and upon motion is admitted into

evidence by reference to the records of the other proceedings.

52 Pa. Code § 5.407.

Upon review of the June 9, 2022 Joint Petition for Settlement in general and its Appendix A in particular, we find that portions of the record from the *PWSA 2021 Rate Case* are relevant and material to the instant proceeding. In addition, they are specified with particularity in the Appendix so as to be readily identified. Finally, the Commission’s own Final Order entered on November 18, 2021, on *PWSA 2021 Rate Case* fulfils the requirements of 52 Pa. Code § 5.406 (a)(2) and is reasonably available to the public. Consequently, the Stipulating Parties’ request to admit into the record in this proceeding the documents listed in Appendix A is reasonable and will be granted.

THEREFORE,

IT IS ORDERED:

1. That the following documents as described in Appendix A attached to the “Joint Petition for Settlement Regarding PWSA’s January 20, 2022 Stage 2 Compliance Plan: Stormwater (Revised)” filed on June 9, 2022, are admitted into the record of this proceeding:

**Pre-Served Testimony and Exhibits – PWSA Stage 2 Stormwater Compliance Plan**

**PWSA Direct Testimony**

Party	St. No.	Witness	Exhibits
PWSA	1	Tony Igwe	TI-1
PWSA	2	Keith Readling	None
PWSA	3	Edward Barca	None
PWSA	4	Harold J. Smith	HJS-1 and HJS-2

**PWSA Hearing Exhibit**

Party	Hearing Exh.	Sponsoring Witness	Description
PWSA	1	Tony Igwe	PWSA Stage 2 Compliance Plan: Stormwater (Revised) – dated January 20, 2022

## Relevant Testimony – PWSA 2021 Rate Case<sup>1</sup>

The Settling Parties request that the following portions of relevant testimony and exhibits from the *PWSA 2021 Rate Case* be admitted to the record in this proceeding pursuant to 52 Pa. Code § 5.407:

### **PWSA Testimony**

Testimony	Description	Exhibits
PWSA St. No. 4	Direct Testimony of Harold Smith, pages 1-13, 43-47 and verification	HJS-1 to HJS-3, HJS-1SW and HJS-9SW
PWSA St. No. 6	Direct Testimony of Julie A. Quigley, pages 3-5, 7, 19, 21-23, 27-33, 35 and verification	None
PWSA St. No. 7	Direct Testimony of Tony Igwe	Appendix A, TI-1 to TI-5
PWSA St. No. 8	Direct Testimony of Keith Readling	Appendix A, KR-1
PWSA St. No. 2-SD	Supplemental Direct Testimony of Edward Barca	None
PWSA St. No. 7-SD	Supplemental Direct Testimony of Tony Igwe	TI-6
PWSA St. No. 8-SD	Supplemental Direct Testimony of Keith Readling	None
PWSA St. No. 5-R	Rebuttal Testimony of Harold Smith, page 7 and verification	HJS-1-R to HJS-3-R, HJS-1SW-R to HJS-9SW-R
PWSA St. No. 6-R	Rebuttal Testimony of Julie A. Quigley, pages 21, 57-60, 84-85, 98-99 and verification	None
PWSA St. No. 7-R	Rebuttal Testimony of Tony Igwe	TI-7
PWSA St. No. 8-R	Rebuttal Testimony of Keith Readling	None
PWSA St. No. 6-RJ	Rejoinder Testimony of Julie Quigley, pages 8-9 and verification	None
PWSA St. No. 8-RJ	Rejoinder Testimony of Keith Readling	None

### **OCA Testimony**

Testimony	Description	Exhibits
OCA St. 3	Direct Testimony of Scott J. Rubin, pages 16-29 and verification	SJR-4, SJR-5 and SJR-6
OCA St. 5	Direct Testimony of Barbara R. Alexander, pages 29-34, 37-38 and verification	None
OCA St. 3R	Rebuttal Testimony of Scott J. Rubin, pages 7-13 and verification	None
OCA St. 3SR	Surrebuttal Testimony of Scott J. Rubin, pages 4-7 and verification	None

<sup>1</sup> Docket Nos. R-2021-3024773 (water); R-2021-3024774 (wastewater); and R-2021-3024779 (stormwater) (“PWSA 2021 Rate Case”).



**M-2018-2640802 – M-2018-2640803 TENTATIVE IMPLEMENTATION ORDER AS WE  
BEGIN REGULATION OF PITTSBURGH WATER AND SEWER AUTHORITY  
(PWSA)**

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**APPENDIX A**

**Appendix A**  
**Stipulated Record – Pre-Served Testimony and Exhibits**

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OCA St. 3R	Rebuttal Testimony of Scott J. Rubin, pages 7-13 and verification	None
OCA St. 3SR	Surrebuttal Testimony of Scott J. Rubin, pages 4-7 and verification	None
OCA St. 5SR	Surrebuttal Testimony of Barbara R. Alexander, pages 11-13 and verification	None

**Pittsburgh United Testimony**

Testimony	Description	Exhibits
United St. 1	Direct Testimony of Harry Geller, pages 47-48 and verification	None
United St. 2	Direct Testimony of Michele C.W. Adams and verification	Appendices A and B
United St. 2-SR	Surrebuttal Testimony of Michele C.W. Adams and verification	None

**Order**

The Settling Parties request that, pursuant to 52 Pa. Code § 5.406, the Commission take administrative notice of the November 18, 2021 Final Order in the *PWSA 2021 Rate Case* (Docket Nos. R-2021-3024773 (water); R-2021-3024774 (wastewater); and R-2021-3024779 (stormwater)) which adopted the Recommended Decision and approved the Settlement without modification.