



February 21, 2023

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:

Consistent with Section 5.412a of the Commission's regulations, 52 Pa. Code § 5.412a, which requires the electronic submission of pre-served testimony, enclosed please find the following testimony and exhibits on behalf of the Pittsburgh United in the above referenced matter:

- Pittsburgh United Statement 1-R, the Rebuttal Testimony of Mitchell Miller,
 - Appendix A, Resume of Mitchell Miller,
 - Appendix B, Cited Discovery Responses,
 - Verification.

A copy of this letter is being served on the parties of record consistent with the attached Certificate of Service. As indicated on the attached Certificate of Service, service on the parties was accomplished by email only.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "John W. Sweet", written over a horizontal line.

John W. Sweet
Counsel for Pittsburgh United

CC: *Certificate of Service*
Honorable Eranda Vero
Honorable Gail M. Chiodo

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of the Pittsburgh Water and Sewer :
Authority for Approval of Pilot Private Service : P-2022-3030253
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 :

Certificate of Service

I hereby certify that I have this day served copies of the **Testimony Filing Letter** upon the parties of record in the above captioned proceeding in accordance with the requirements of 52 Pa. Code § 1.54.

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REBUTTAL TESTIMONY OF MITCHELL MILLER

ON BEHALF OF

PITTSBURGH UNITED

September 13, 2022

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1 **PREPARED REBUTTAL TESTIMONY OF MITCHELL MILLER**

2 **I. INTRODUCTION**

3 **Q: Please state your name, occupation, and business address.**

4 A: Mitchell Miller. I provide consulting services regarding utility programs that promote the
5 public interest with a focus on low income households. My business address is 60 Geisel Road,
6 Harrisburg, PA 17112.

7 **Q: Briefly outline your education and professional background.**

8 A: As my attached resume shows, I received a B.S. in Community Development from
9 Pennsylvania State University, where I graduated *cum laude* in 1974, and an M.A. in Public
10 Administration from Shippensburg University in 1984. I have over 40 years of experience in the
11 development, implementation, and evaluation of program design for residential utility consumers.
12 The focus of my work has concerned education, energy efficiency, credit and collections, and
13 customer assistance programs.

14 After serving as a research analyst at both the Pennsylvania Governors Action Center and
15 the Pennsylvania Public Utility Commission (Commission), I was appointed Chief of the
16 Commission’s Division of Research and Planning in 1978 and, in 1992, I was designated as the
17 Director of the Bureau of Consumer Services (BCS), where I served until my retirement from the
18 Commission in 2009.

19 Following my retirement from the Commission in 2009, I served for over three years as a
20 consultant to the Pennsylvania Department of Community and Economic Development (DCED)
21 on weatherization and energy efficiency for the Pennsylvania Weatherization Assistance Program

1 (WAP) and three years as consultant to the Philadelphia Water Department. My resume is attached
2 as Appendix A.

3 **Q: Please describe the focus of your work over the past forty years.**

4 A: During my tenure at the Commission, I was primarily engaged in activities relating to
5 regulatory policy involving residential customer service, complaint handling, credit and
6 collections, and universal service - including customer assistance programs and low income energy
7 efficiency and conservation programs. The Bureau of Consumer Services has regulatory authority
8 and responsibility for policy development for all areas of consumer services, including resolving
9 consumer complaints and problems; enforcing consumer regulations; developing, implementing,
10 and evaluating programs involving complaint handling, complaint analysis, and collections;
11 enforcement of consumer regulations; and design and implementation of customer assistance and
12 conservation programs. My focus at DCED was the creation of a performance-based
13 Weatherization Assistance Program system, dedicated to a high standard of quality, compliance,
14 and production.

15 **Q: What is your relevant experience on issues of low income utility programming?**

16 A: During my tenure, the Commission emerged as a national leader in research, development,
17 and oversight of programs addressing credit and collection issues affecting low income utility
18 consumers. I was responsible for evaluating utility and Commission customer service programs,
19 identifying problems, and making recommendations for change. These activities led to the
20 recognition of the need for development of integrated programs for low income consumers. As
21 director of BCS, I was responsible for the development, oversight, and monitoring of the initial
22 pilot and then the statutorily required low income Universal Service Programs. Each of these
23 programs is structured to provide a different form of assistance to low income customers to enable

1 those customers to afford and maintain basic service. For example, the Customer Assistance
2 Program (CAP) provides alternatives to traditional collection methods for low income, payment
3 troubled utility customers, and the Low Income Usage Reduction Program (LIURP) is a targeted
4 weatherization program designed to assist low income households with high consumption,
5 payment problems, and arrearages. These programs work in tandem and are designed to assist low
6 income households to be able to affordable utility services and safe living environments while
7 reducing utility collections and therefore benefitting other ratepayers.

8 As director of BCS, I supervised the review and determination of thousands of low income
9 consumer complaints and inquiries, as well as the reviews of utility performance at handling these
10 complaints and inquires.

11 I directed the creation, development, and evaluation of the effectiveness and the expansion
12 of the Universal Service Programs in Pennsylvania that are targeted toward low income
13 households. These programs included CAP and LIURP, as well as the Customer Assistance
14 Referral Evaluation (CARES) and Hardship Fund programs. From the inception of these programs
15 and through my retirement in 2009, BCS – under my direction – was responsible for Commission
16 oversight of these programs. This oversight responsibility was codified and formalized after the
17 passage of the Electricity Generation and the Natural Gas Customer Choice and Competition Acts,
18 which explicitly require that the Commission ensure universal service and energy conservation
19 services are appropriately funded and available in each utility distribution territory.

20 Further, upon my retirement from the Commission, I served as a consultant on
21 weatherization and energy efficiency for the Pennsylvania Weatherization Assistance Program,
22 which is administered by DCED. I helped transform WAP by creating a performance-based
23 system, dedicated to a high standard of quality, compliance, and production. Innovations included

1 introducing performance standards for production, quality, and compliance, as well as
2 implementation of independent state certification and training for all state WAP workers. I was
3 also responsible for coordinating DCED's WAP program with the Commission's LIURP and Act
4 129 low income programs. In addition to consulting on WAP, I also served as a policy consultant
5 for the Philadelphia Water Department from 2013 to 2016. In this role, I assisted the Department
6 to improve the informal dispute and hearing process, and to develop deferred payment agreements.

7 I have participated at the National Association of Regulatory Utility Commissioners
8 (NARUC), the National Low Income Energy Consortium, and the National Energy Utility
9 Affordability Conference meetings, and have presented numerous sessions related to low income
10 utility affordability. I also previously served on the board of directors of the Keystone Energy
11 Efficiency Alliance (KEEA) and as co-chair of the KEEA annual conferences, and I am currently
12 a member of the WAP Policy Advisory Council.

13 **Q: Have you testified in any proceeding before the Pennsylvania Public Utility**
14 **Commission?**

15 A: Yes. I have presented testimony in many proceedings before the Commission. A complete
16 list is included in my resume, which is attached as Appendix A.

17 **Q: Have you provided litigation support for the Commission?**

18 A: Although I did not testify in any proceeding during my tenure at the Commission, I directed
19 the Bureau's activities in policy development and enforcement litigation to ensure utility
20 compliance with customer service regulations and statutes.

1 **Q: For whom are you testifying in this proceeding?**

2 A: I am testifying on behalf of Pittsburgh United.

3 **Q: What is the purpose of your rebuttal testimony?**

4 A: The purpose of my rebuttal testimony is to respond to the direct testimony of Pittsburgh
5 Water and Sewer Authority (PWSA) Witness Julie A. Mechling regarding PWSA's proposed Line
6 Leak Repair and Conservation Pilot Program (proposed Pilot Program). As discussed throughout
7 my testimony, I strongly support PWSA's proposed implementation of a pilot conservation and
8 service line replacement program. Notwithstanding this strong support, I have several
9 recommendations to help ensure the successful implementation of the Pilot Program.

10 My rebuttal testimony is not intended to address every issue raised or otherwise discussed
11 in PWSA's direct testimony. Absence of a response to any specific recommendation or position
12 of any witness does not indicate my agreement.

13 **Q: How is your testimony organized?**

14 A: My testimony is divided into three substantive sections, and one section summarizing my
15 proposals and recommendations. First, I will discuss PWSA's proposed program eligibility and
16 make recommendations regarding outreach and tenant accessibility. Second, I will discuss
17 PWSA's proposed services to be delivered through the program and recommend ways to help
18 ensure the successful implementation of the proposed Pilot Program. Third, I will discuss PWSA's
19 proposed program budget, timeline, and evaluation, and will offer recommendations related
20 thereto. Finally, I will summarize the recommendations and proposals which I provided throughout
21 my direct testimony.

1 **II. PROPOSED PILOT PROGRAM**

2 **Q: As a preliminary matter, do you support the Company’s proposed Pilot Program?**

3 A: Yes, I am strongly supportive of the Pilot Program, which seeks to provide low income
4 households with repairs of leaking private side water lines and help control high water usage. Low
5 Income Usage Reductions Programs have long proven to be an effective means for electric and
6 gas utilities to help low income customers reduce their usage and, in turn reduce their bills and
7 related universal service program costs. Low income households are more likely to live in homes
8 with aging plumbing and fixtures and most often lack the resources to pay for needed repairs and
9 invest in upgrades. Thus, it is critical that PWSA implement a program to help low income
10 customers remediate line leaks and reduce uncontrollably high water usage, as these customers
11 cannot afford remediation on their own. I note that comprehensive usage reduction and
12 conservation programs have the added benefit of helping to reduce uncollectible expenses and
13 control universal service program costs.

14 Notwithstanding my support for the Pilot Program, I have several recommendations for
15 how the program can be improved to better target households in need, to enhance program
16 coordination, and to improve the process for evaluation. I will discuss each of these
17 recommendations in turn below.

1 *a. Eligibility*

2 **Q: Please summarize the eligibility guidelines for the Pilot Program.**

3 A: To be eligible, customers must have income at or below 150% of the Federal Poverty
4 Level (FPL) and have high consumption, which PWSA defines as monthly consumption that is at
5 or greater than 200% of the previous reading and over 9,000 gallons.¹

6 **Q: How many customers are income eligible for the program?**

7 A: Based on the Household Affordability Analysis compiled in 2019, PWSA estimates there
8 are approximately 20,454 low income customers residing in its service territory.² As of June 2022,
9 PWSA has identified 8,060 low income customers through enrollment in PWSA’s various low
10 income programs and income based payment plans.³ Of those customers identified as low income,
11 5,537 were enrolled in the Company’s Bill Discount Program (BDP).⁴

12 **Q: How many of those low income customers have high consumption?**

13 A: PWSA keeps records regarding customers with high consumption but does not track those
14 customers based on income or BDP enrollment. PWSA’s records of customers with high
15 consumption do not differentiate customers identified as “confirmed low income customers” or
16 those customers who are enrolled in the Bill Discount Program. PGH2O Cares records identify the
17 number of customers who are contacted based upon their monthly high consumption; however,
18 these contacts are specific to those customers who are enrolled in the Bill Discount Program.⁵

¹ PWSA St. 1 at 16: 8-9.

² United to PWSA I-1.

³ United to PWSA I-2.

⁴ United to PWSA I-3.

⁵ United to PWSA I-6.

1 There is currently no reporting in place at PWSA for “confirmed low income customers” identified
2 with high consumption.

3 **Q: How will PWSA identify customers who are eligible for the Pilot Program?**

4 A: PWSA indicates that it proactively identifies accounts with high consumption on a
5 monthly basis, and that the PGH2O Cares team will further review those accounts to determine
6 which of them are income eligible based on their enrollment in the Bill Discount Program.⁶ In
7 addition to active participation in the Bill Discount Program, the PGH2O Cares team will
8 investigate whether there are any other account indicators identifying the customer as potentially
9 eligible for the Pilot Program, such as any internal designation that the account has been confirmed
10 low income or that the customer was previously enrolled in the Bill Discount Program.⁷

11 **Q: Do you have any recommendations regarding PWSA’s proposed process to identify**
12 **eligible participants?**

13 A: Yes. I support PWSA’s proposal to identify pilot participants by cross-referencing its high
14 usage account list with other low income indicators. I recommend that PWSA take this process a
15 step further to identify and track all high usage households that are confirmed to be low income -
16 beyond those PWSA intends to solicit for participation in the pilot program. PWSA should cross
17 reference all customers with above-average usage with its low income account indicators, and
18 should use this list of above-average users to identify need and establish future decisions regarding
19 the Pilot Program. Enhanced identification and tracking of PWSA’s high usage, low income
20 customer population will help to ensure that the program can improve over time to better serve
21 those in need of assistance across PWSA’s service territory.

⁶ PWSA St. 1 at 17.

⁷ Id.

1 **Q: Will low income tenants be eligible for the program?**

2 A: PWSA indicates that all eligible customers, including tenants, will have access to
3 conservation benefits; however, PWSA indicates that written consent by the owner of record will
4 be required as a condition of performing any in home repair service.⁸ Tenants will be contacted by
5 the PGH2O Cares team to assess eligibility and to discuss the Pilot Program.⁹ For a tenant-
6 occupied property, PWSA will attain access to the property with permission of any adult person
7 in the residence in order to assess the property.¹⁰ If the property is occupied by a tenant who meets
8 the income eligibility requirements, PWSA will rely on that information to satisfy the income
9 requirements for services; however, PWSA will not provide in home repair services for tenant
10 occupied properties without property owner's written consent.¹¹

11 **Q: How does PWSA propose to gain property owner consent?**

12 A: PWSA proposes to work with community based organizations to develop information and
13 materials advising tenants of their options and available resources to pursue consent directly with
14 the property owner.¹² PWSA has not proposed to perform any direct landlord outreach.

15 **Q: Do you support PWSA's proposal for obtaining landlord consent for tenant**
16 **participation?**

17 A: I support PWSA's proposal to work with community-based organizations to develop
18 tenant notice and information related to landlord consent, and I recommend that PWSA include
19 members of its Low Income Assistance Advisory Committee (LIAAC) in this collaborative review
20 process. In addition, PWSA should take affirmative steps to reach out to the property owner to

⁸ PWSA St. 1 at 17:20-21.

⁹ Id. at 17:9-11.

¹⁰ Id. at 17:11-12.

¹¹ Id. at 18.

¹² Id. at 20: 17-19.

1 provide information about the program and assist in securing landlord consent. PWSA does not
2 plan to broadly advertise the program, so landlords are unlikely to know about the program - and
3 may be reluctant to take the tenant's word about the eligibility and terms of the program.¹³ There
4 may also be tension between the landlord and the tenant arising from the high water costs (or any
5 number of other issues), making it potentially difficult for a tenant to approach their landlord for
6 approval. In these circumstances, landlords may be more receptive to communications directly
7 from PWSA. Furthermore, PWSA staff will be more knowledgeable about the program and will
8 be able to answer the landlord's questions that the tenant may not. PWSA could also answer
9 technical questions about the work to be performed that a tenant is unlikely to know.

10 When a tenant applies for the program, I recommend that PWSA attempt to contact the
11 landlord, relying on the contact information provided by the tenant and any existing information
12 in PWSA's system. PWSA should attempt at least two calls and send a letter and email to the
13 landlord explaining the no-cost benefits of the program.

14 **Q: Will any services be provided to tenants where the landlord does not consent to**
15 **services?**

16 A: PWSA proposes to provide conservation education about how to calculate water and
17 wastewater charges to demonstrate how his or her water consumption affects the monthly billed
18 amount and provide the customer with information about PWSA's Customer Advantage Portal to
19 monitor usage.¹⁴ PWSA will also screen these houses for lead service lines and will assist the
20 customer with navigating the Lead Service Line Replacement Program.¹⁵

¹³ Id. at 22

¹⁴ Id. at 20:19-22.

¹⁵ Id. at 21.

1 **Q: Are there any exceptions to PWSA’s rule that it will not perform repairs without the**
2 **landlord’s written consent?**

3 A: Yes. Ms. Mechling explains in her direct testimony that PWSA retains the authority to
4 make the necessary repair or replacement and charge the property owner with the reasonable cost
5 of the repair or replacement where a leak is creating a public hazard or damaging public
6 infrastructure.¹⁶

7 **Q: Do you have any recommendations about PWSA’s application of its authority to**
8 **make the necessary repair or replacement and charge the property owner due to safety**
9 **hazards?**

10 A: Yes. I recommend that any situation in which the needed repairs will cause the tenant’s
11 water service to be terminated or otherwise prevent the tenant from accessing water service should
12 be considered a public safety hazard and should be remediated by PWSA without delay.

13 I am advised by counsel for Pittsburgh United that this recommendation is consistent with
14 PWSA’s tariff, which reads:

15 Should the condition of a customer service line be such that there is a risk to public
16 health or safety or of damage to public property, and the property Owner fails to
17 take prompt action to cure the problem following notice to do so, the Authority
18 shall have the right, but not the duty, to make the necessary repair or replacement
19 and to charge the property Owner with the reasonable cost of the repair or the
20 replacement.¹⁷

21 Counsel for Pittsburgh United will address the legal application of this tariff provision through
22 briefing.

23 There are strong policy considerations for PWSA to make critical repairs necessary to
24 prevent termination of a tenant’s water and wastewater services. Termination of water service

¹⁶ Id. at 18:1-4.

¹⁷ Id.; see also PWSA Tariff at Pg. 35, Pt. III, Sect. B, ¶ 12(e).

1 negatively impacts the health and well-being of the household and creates a public health risk to
2 the entire community. The impacts of water termination on public health have become especially
3 apparent due to the emergence of the COVID-19 pandemic. While the initial waves of the COVID-
4 19 pandemic have begun to recede, continued access to water service remains important for
5 cleaning and hygiene to fight the spread of serious diseases throughout the Pittsburgh area.

6 The inability to connect and maintain water service can be akin to eviction from a home,
7 as the home may be deemed uninhabitable or even condemned, forcing families to vacate with
8 little to no notice.¹⁸ Lack of water service in a home can jeopardize a parent’s custody of their
9 children and is often cited as a cause of evictions from private and public housing - leading to
10 increased rates of homelessness, and making it difficult for a family to be rehoused.¹⁹ When
11 families reside in a home without running water, it poses a threat to public health and human
12 dignity because without access to running water, families are unable to cook, bathe, clean, or flush
13 their toilet.²⁰ Consistent and affordable access to water and wastewater services has shown to have
14 numerous benefits to communities as a whole. Having affordable access to such services has been
15 linked to healthier child development, decreasing homelessness, and improving affordability of
16 public and private housing.²¹

¹⁸ Coty Montag, Water/Color: A Study of Race and the Water Affordability Crisis in America’s Cities, NAACP Legal Defense and Educational Fund, Inc, May 2019 ,at p. 28, (hereinafter “Water/Color Report”) available at: https://www.naacpldf.org/wp-content/uploads/Water_Report_FULL_5_31_19_FINAL_OPT.pdf

¹⁹ See Joint State Government Commission, General Assembly of the Commonwealth of Pennsylvania, Homelessness in Pennsylvania: Causes, Impacts, and Solutions: A Task Force and Advisory Committee Report (2016), available at: <http://jsg.legis.state.pa.us/resources/documents/ftp/documents/HR550%201%20page%20summary%204-6-2016.pdf>.

²⁰ Water/Color Report at 28.

²¹ See UUSC, Patricia Jones et al., The Invisible Crisis: Water Unaffordability in the United States (May 2016), available at: http://www.uusc.org/sites/default/files/the_invisible_crisis_web.pdf.

1 I recommend a similar process to that which PWSA has implemented for its lead line
2 remediation. In that program, PWSA will move forward with private side line repairs where the
3 landlord cannot be identified, is unable to be located, or is otherwise nonresponsive to requests for
4 authorization.²² In this Pilot Program, if a low income tenant is at risk of termination due to a
5 private side line leak and the landlord is non-responsive or cannot be identified, PWSA should
6 treat the matter as a public safety hazard and move forward with the line repair. PWSA already
7 proposes to follow a process for providing services that will be similar to the procedures followed
8 for PWSA's no cost replacement of private water service lead lines and should do so for repairs
9 that threaten the tenant's health or would result in disconnection of water service.

10 ***b. Proposed No Cost Repair Services***

11 **Q: What services will PWSA offer through the Pilot Program?**

12 A: PWSA proposes to offer no cost repair services to an eligible property owner at the initial
13 not-to-exceed cost of \$1,346 - with the specific repair services to be offered based on the needs of
14 the property.²³ Eligible properties may receive a repair of a leak on exposed plumbing and
15 installation of; (1) two faucet aerators, (2) one low flow showerhead, and (3) one low flow toilet
16 replacement.²⁴ PWSA indicates that all work will be performed by licensed plumbing
17 contractors.²⁵

18 **Q: Do you have recommendations about the service PWSA proposes to offer?**

19 A: Yes. I recommend that PWSA coordinate with the Low Income Usage Reduction Programs
20 (LIURP) at local electric and gas utilities and the federal Weatherization Assistance Program

²² PWSA Tariff at p. 69, Pt. IV.3.h.

²³ PWSA St. 1 at 20.

²⁴ Id.

²⁵ Id. at 18.

1 (WAP) to provide coordinated services wherever possible. These programs often install basic
2 water-saving devices to help reduce energy necessary for water heating. There are likely several
3 basic energy and water measures that could be installed across programs – leveraging limited
4 program dollars and delivering more holistic program services to participants.

5 To help coordinate programs, PWSA should prioritize subcontractors for its pilot program
6 that also deliver LIURP or WAP services to allow for coordination of services to homes with high
7 energy and water consumption. In turn, PWSA should work with the electric and gas utilities to
8 identify other opportunities for cross-program coordination or, at the very least, referral. This type
9 of coordination could take many forms, such developing a cost-sharing agreement with LIURP
10 and WAP providers to install water-saving devices in PWSA customer homes while the contractor
11 is there providing LIURP or WAP services. PWSA should work with its LIAAC throughout the
12 pilot to identify and advance opportunities for coordination that could help reduce administrative
13 costs and allow the program to serve more households.

14 *c. Proposed Budget*
15

16 **Q: Please describe PAWC’s proposed budget for the Pilot Program.**

17 A: PWSA is requesting approval of a budget of \$400,000 for the Pilot Program and
18 authorization to track the Pilot Program costs as a regulatory asset for recovery as part of PWSA’s
19 next base rate case. If PWSA’s cost recovery authorization request is denied, PWSA plans to
20 rescind this Petition and would move to request to implement the Pilot Program as part of its next
21 base rate case.²⁶

²⁶ Id. at 23:4-8.

1 **Q: Do you have any recommendations regarding PWSA’s proposed budget?**

2 A: Yes. As I will explain later in my testimony, I recommend that the proposed Pilot Program
3 be approved as a two year program. To that end, I recommend that the program budget be set at
4 \$400,000 *per year*. Any unspent budget from the first year should carry over and be added to the
5 budget for the second year.

6 Pilot programs like the program PWSA proposes here can take time to get off the ground,
7 and can be slow to fully launch. To the extent that a substantial portion of the budget remains
8 unspent at the end of the first program year, PWSA should consult with the LIAAC about possible
9 adjustments to the eligibility guidelines, standard measures, and per-job budget to help improve
10 enrollment.²⁷

11 Consistent with my earlier recommendation, PWSA should also begin systematically
12 identifying and tracking confirmed low income customers with high usage to allow future budgets
13 to be set based on identified need. While I believe PWSA’s initial budget is reasonable at this pilot
14 stage, it is not adequate to serve all those in need of comprehensive usage reduction services. As
15 with all pilot programs, future budgets and associated program parameters and benefits should be
16 refined over time to better serve approximate need and improve program outcomes.

17 ***d. Proposed Length of Pilot and Program Evaluation***

18 **Q: Please briefly summarize PWSA’s proposal regarding the length of the pilot and**
19 **program evaluation.**

20 A: PWSA proposes that the Pilot Program will only run for one year, after which PWSA will
21 evaluate whether to continue the program.²⁸

²⁷ Id. at 25.

²⁸ Id. at 26.

1 **Q: Do you have any recommendations about the length and evaluation of the program?**

2 A: Yes. As noted above, I recommend that the initial Pilot Program run for two years. PWSA
3 should conduct its evaluation within three months of the end of the first program year. PWSA
4 should discuss the findings from its evaluation with members of its LIAAC and solicit feedback
5 on PWSA’s plans for continuation or reform of the Pilot Program. If the program is successful,
6 PWSA should seek approval from the Commission at least six months prior to the end of the
7 second program year to extend or reform the Pilot Program or to otherwise adopt the program as
8 a permanent component of its low income program portfolio. This approach will avoid the risk of
9 the program “going dark” during the evaluation process, before PWSA can propose an extension.
10 Programs like the one the PWSA proposes often take time to ramp up production. If PWSA were
11 to shut down the program after one year, and then start back up six months or a year later, it would
12 forestall the progress the program made during the first year – adding unnecessarily to the
13 administrative costs of the program to onboard new subcontractors, identify eligible participants,
14 and reestablish internal supports.

15 I also note that PWSA intends to hire a full-time position to coordinate the program.²⁹ If
16 the program were to only run for one year and were to “go dark” during the evaluation process,
17 PWSA may be unable to retain this FTE position - and would need to then re-hire and retrain
18 someone if the program were to resume.

19 Extending the initial pilot phase to two years and establishing a clear timeline during year
20 two of the Pilot Program for PWSA to propose to continue the program (following its year-one

²⁹ Id. at 24:1-3.

1 evaluation) will help to ensure that PWSA has sufficient time to evaluate the program and propose
2 a continuation without the program going dark.

3 **Q: How does PWSA propose to evaluate the program?**

4 A: PWSA indicates that its evaluation of the Pilot Program will focus on the number of
5 participants who receive service, how the customers' usage changed after receiving services, and
6 how long any such benefits in conservation were maintained.³⁰ PWSA also indicates it will keep
7 track of the costs of the measures implemented to evaluate whether the costs of the Pilot Program
8 were reasonable given the results of the program. PWSA will also track and identify the number
9 of eligible properties which did not receive services as a result of the lack of agreement by the
10 property owner.

11 PWSA proposes to file the results of its evaluation with the Commission three months prior
12 to the end of the pilot period. The evaluation will also include PWSA's recommendation as to
13 whether or not to continue the pilot and, if so, any changes that are recommended for the future.

14 **Q: Do you have any observations or recommendations regarding PWSA's proposed**
15 **evaluation of its Pilot Program?**

16 A: Yes. I do not believe that PWSA's proposed timeframe for evaluation would give the
17 Authority sufficient time to gather the data necessary to conduct a full evaluation, particularly in
18 tracking how customers' monthly usage changed after receiving services. The number of
19 households that could be analyzed would likely be less than half those treated, as PWSA would
20 need to begin evaluating those served in the first six months of the program. PWSA would need
21 a full 30 days after treatment to begin comparison of usage pre-treatment versus usage post-

³⁰ Id. at 26:17-19.

1 treatment. Under PWSA’s current proposal for evaluation, they will be able to evaluate very few
2 accounts over a very short time period, which will make it difficult to determine the effectiveness
3 of the conservation measures. Based on my experience, starting an evaluation after nine months
4 will be of very limited value, which is another reason why extending the pilot to run for a two-year
5 period is critical. Adding a second year to the initial phase will allow PWSA to complete its
6 evaluation with a full year’s worth of data, lengthening the period for evaluation of participants’
7 post-treatment usage.

8 In addition, I recommend that PWSA include an assessment of the program impact on
9 universal service program costs. For instance, PWSA should not only assess whether water savings
10 were achieved, it should also quantify those savings in terms of dollars saved for both the
11 participant and for the Bill Discount Program. This approach will allow a more holistic review of
12 all relevant factors in evaluating the success of the program and determining whether and to what
13 extent the program should continue after the initial pilot phase.

14 Finally, I recommend that PWSA track the number of households a contractor is unable to
15 serve through the program due to health and safety issues or other issues related to the condition
16 of the home. Information about program deferrals should be included in PWSA’s evaluation, along
17 with recommendations for how the program should be reformed to address deferrals.

18 **III. SUMMARY OF RECOMMENDATIONS**

19 In my direct testimony, I made several recommendations to help ensure the success of the
20 Pilot Program. In summary, I recommend that:

- 21 • Any situation in which needed repairs put a tenant’s water service at risk of termination or
22 otherwise prevent the tenant from accessing water service should be considered a public

1 safety hazard and should be remediated by PWSA according to the guidelines it employs
2 regarding lead service line remediation and other public safety hazards.

- 3 • PWSA should coordinate its Pilot Program with the Low Income Usage Reduction
4 Programs (LIURP) and the Weatherization Assistance Program (WAP) to provide
5 coordinated energy and water reduction services wherever possible, and work with its
6 LIAAC to identify and explore opportunities for coordination.
- 7 • PWSA should prioritize subcontractors that also deliver LIURP or WAP services to allow
8 for coordination of services to homes with high energy and water consumption.
- 9 • The proposed Pilot Program should be approved as a two-year program.
- 10 • The program budget should be set at \$400,000 per year, and any unspent budget from year
11 one should carryover and be added to the budget for the following year.
- 12 • PWSA should conduct its program evaluation at the end of the first program year.
- 13 • PWSA's evaluation should include an assessment of the program impact on universal
14 service costs.
- 15 • PWSA should discuss the findings from its evaluation with members of its LIAAC.
- 16 • Within 6 months prior to end of the two-year pilot, based on evaluation of the first-year
17 data, PWSA should seek approval from the Commission to either (1) extend the pilot for
18 additional years, (2) end the pilot, or (3) modify the pilot.
- 19 • PWSA should track the number of households that did not receive service due to health
20 and safety issues in the home and should include information about such deferrals in its
21 evaluation.
- 22 • PWSA should refer any customers with health and safety issues to other local, state, or
23 federal programs that may be able to make the necessary repairs.

1 Q: Does this conclude your rebuttal testimony?

2 A: Yes.

**Pittsburgh United
Statement 1-R**

APPENDIX A

Resume of Mitchell Miller

APPENDIX A
Resume of Mitchell Miller

MITCHELL MILLER
60 GEISEL Road
Harrisburg, PA 17112
Home: (717) 599-5510 Mobile: (717) 903-2196
Mitchmiller77@hotmail.com

EMPLOYMENT

2009-Present Mitch Miller Consulting, LLC

Practice provides consulting services that promote the public interest with a focus on low income households. Specifically over 35 years of expertise is applied to the evaluation of regulatory policy involving customer service, complaint handling, credit and collections and universal service. Objective is to promote public policy development, program design, and implementation of programs for consumer education, energy efficiency, credit and collections, and customer assistance.

2009-2012 Pennsylvania Department of Community and Economic Development Consultant

Served as a Consultant on weatherization and energy efficiency for the Pennsylvania Weatherization Assistance Program (WAP) at PA DCED. Was instrumental in transforming the WAP program by creating a performance-based system, dedicated to a high standard of quality, compliance and production. Innovations include introducing performance standards for production, quality and compliance and independent certification and training for all state WAP workers. Also responsible for coordinating the states WAP program with the PUC, utilities and other efficiency programs.

1992-2009 Pennsylvania Public Utility Commission Director, Bureau of Consumer Services

Until his retirement from state service Mr. Miller was director of Consumer Services and PA PUC. His bureau has regulatory authority and responsibility for policy development for all areas of consumer services including resolving consumer complaints and problems, enforcing consumer regulations, developing, implementing and evaluating programs involving complaint handling, complaint analysis collections, enforcement of consumer regulations, utility customer assistance programs and low income conservation. He also directed BCS responsibilities for implementing the Pennsylvania Electric, Gas and Telephone Customer Choice Programs. Specific areas under his Direction include:

Program Evaluation and Regulation

- Monitoring and evaluating the customer service practices and programs of utilities
- Promulgating regulations, implementing procedures to meet regulatory requirement and taking enforcement action to assure compliance
- Field reviews and audits of utilities' operations and advice the Commission regarding issues of interest and concern of utility consumers
- Compliance enforcement including informal investigations and prosecution of formal cases

- Track trends in the number and type of consumer complaints and inquiries, utility performance at handling customer complaints and payment arrangement requests. Other databases utilized to track utility termination activity, collection of delinquent accounts, compliance with customer service regulations and other areas critical to evaluating utility customer service performance.
- Produce utility performance and evaluative reports for the PUC, utilities and the public

Universal Service Programs

- The LIURP is targeted toward low-income households with the highest energy consumption, payment problems, and high arrearages. Since the program's inception to 2009, the major electric and gas companies required to participate in LIURP have spent over \$530 million to provide weatherization treatments to more than 350,000 low-income households in Pennsylvania. The budgets for 2008 were 22 million for electric utilities and 9 million for gas utilities
- Customer Assistance Programs (CAPs) provide an alternative to traditional collection methods for low income, payment troubled utility customers. Customers make regular monthly payments, which may be for an amount that is less than the current bill for utility service. Budgets for CAP programs in 2008 were 189 million for electric companies and 174 million for gas companies. Utility companies have spent over 2 billion dollars for CAP through 1998.

Utility Complaint Handling and Regulation

- Responsible for establishing procedures and directing 90 staff in investigating annually over 100,000 informal consumer complaints for regulated fixed utilities, payment arrangement requests and responding to over 70,000 inquiries.
- Arbitrate billing, credit and other informal complaints and issue binding decisions to resolve informal disputes expeditiously. Investigators also issue decisions regarding the amortization of overdue electric, gas, steam heat, water, wastewater and basic telephone bills.

1978-1992

Pennsylvania Public Utility Commission

PA Chief, Division of Research and Planning

Reported to Director of Bureau of Consumer Services with direct responsibility for the direction, supervision and planning of a Division of 15 professionals who are delegated program responsibilities for regulation enforcement, utility program evaluation, customer assistance programs and consumer education. As the first Division Chief he was instrumental in creating these activities

- Bureau's compliance program in enforcing customer service regulations and statues through regulator interpretations, citations and litigation; including preparing with legal staff formal records, briefs, motions, interrogatories, reviewing utility responses and negotiating equitable settlements.
- Development and implementation of computer information evaluation systems for evaluation of utility customer service programs; systematic performance problems are identified through statistical analysis and observation and correction actions recommended via public reports, formal rate cases and consumer services audit programs.
- Managed the development of Commission's first consumer education program including proposing annual plans, statewide networking, supervising staff in conducting of workshops and conferences, and preparation of consumer education materials.

- Supervised the development of an integrated program for low income consumers; through program evaluation, leading to testimony, preparation of policy recommendations, interdepartmental coordination, regulation promulgation and establishing evaluation criteria

1977-1978 Pennsylvania Public Utility Commission Harrisburg, PA Research Analyst

Responsible for evaluating existing utility and Commission customer service programs and identifying problems and recommendations for change, which led to Division's current programs.

1974-1977 Governor's Action Center Harrisburg, PA Research Supervisor

Office supervisor for a research and information unit. Duties included the modification and maintenance of an information and evaluation system, writing technical and topical reports, quality control review and staff training. Responsible for the supervision of five case evaluator and student interns.

EDUCATION

M.S., Shippensburg University, 1984
Major: Public Administration
G.P.A. 3.9/4.0

B.S., Pennsylvania State University, 1974
Major: Community Development
Cum Laude

ADDITIONAL AFFILIATIONS

Member, Pennsylvania WAP Policy Advisory Council

Member, Keystone Energy Efficiency Alliance

Past Co-Chair Keystone Energy Efficiency Alliance Conference

Past Co-Chair National Energy and Utility Affordability Conference

EXPERT TESTIMONY

- Petition of Pennsylvania American Water for Approval of Arrearage Management Plan, Docket No. P-2021-3028195
- Pa PUC v. Pennsylvania American Water Company, Docket No. R-2020-3019369
- Pa PUC v. UGI Gas of Pennsylvania, Inc., Docket No. R-2019-3015162
- FirstEnergy Involuntary Remote Disconnect Proceeding, Docket No. P-2019-3013979
- Pa PUC v. UGI Gas of Pennsylvania, Inc., Docket No. R-2018-3006814
- Implementation of Chapter 32 of the Public Utility Code Re Pittsburgh Water and Sewer Authority, Docket Nos. M-2018-2640802, M-2018-2640803
- Pa. PUC v. Pittsburgh Water and Sewer Authority, Docket No. R-2018-3002645; R-2018-3002647
- Pa. PUC v. PECO Energy Co., Docket No. R-2018-30000164
- Pa. PUC v. Columbia Gas of Pennsylvania, Inc., Docket No. R-2018-2647577
- PECO Energy Company's Pilot Plan for an Advance Payments Program and Temporary Waiver of Portions of the Commissions Regulations, Docket No. P-2016-2573023
- Pa. PUC v. UGI Penn Electric, Inc., Docket R- 2016-2580030
- Pa. PUC v. Metropolitan Edison Company, Docket No. R-2016-2537349
- Pa. PUC v. Pennsylvania Electric Co., Docket No. R-2016-2537352
- Pa. PUC v. Pennsylvania Power Co., Docket No. R-2016-2537355
- Pa. PUC v. West Penn Power, Docket No. R-2016-2537953
- Pa. PUC v. UGI Utilities, Inc. – Gas Division, Docket No. R-2015-2518438
- Petition of Duquesne Light for Approval its Act 129 Phase III Energy Efficiency and Conservation Plan, Docket No. M-2015-2515375
- Petition of PECO Energy Co. for Approval its Act 129 Phase III Energy Efficiency and Conservation Plan, Docket No. M-2015-2515619
- Consolidated Petition of First Energy Companies for Approval its Act 129 Phase III Energy Efficiency and Conservation Plan, Docket Nos. M-2015-2514767, -2514768, -2514769, 2514772
- Petition of Philadelphia Gas Works for Approval of its Phase II Demand Side Management Plan, Docket No. P-2014-2459362
- Pa. PUC v. PECO Gas of Pa., Inc., Docket No. R-2015-2468056
- Pa. PUC v. PPL Electric Utilities Corporation, Docket No. R-2015-2469275
- Pa. PUC v. PECO Gas of Pa., Inc., Docket No. R-2014-2406274
- Verizon Pa., LLC, and Verizon North, LLC, Petition for Competitive Classification, Docket Nos. P-2014-2446303, P-2014-2446304
- Petition of PECO Energy Co. for Approval its Act 129 Phase II Energy Efficiency and Conservation Plan, Docket No. M-2012-2333992
- Petition of PECO Energy Co. for Approval of its Default Service Program II, Docket No. P-2012-2283641
- Petition of PECO Energy Co. for Approval of its Universal Service and Energy Conservation Plan, Docket No. M-2012-2290911.

**Pittsburgh United
Statement 1-R
APPENDIX B
Cited Interrogatory Responses**

APPENDIX B

Interrogatories of Pittsburgh United to Pittsburgh Water and Sewer Authority

- United to PWSA I-1
- United to PWSA I-2
- United to PWSA I-3
- United to PWSA I-6

**Response of The Pittsburgh Water and Sewer Authority (“PWSA”)
to the Interrogatories of Pittsburgh UNITED, Set I in
Docket No. P-2022-3030253 (PWSA Line Repair Petition)**

Request: UNITED-I-1 As of the most recent date available, how many estimated low income customers reside in PWSA’s service territory? Please explain how PWSA arrived at its estimated figures and include citation and/or copies of any and all workpapers used to perform the estimation.

Response: Based on the Household Affordability Analysis compiled in 2019, PWSA is operating under the impression that there could be approximately 20,454 low income customers residing in its service territory. PWSA did not commission or conduct a more recent analysis.

Response provided by: Julie A. Mechling, Director of Customer Service
The Pittsburgh Water and Sewer Authority

Dated: September 1, 2022

**Response of The Pittsburgh Water and Sewer Authority (“PWSA”)
to the Interrogatories of Pittsburgh UNITED, Set I in
Docket No. P-2022-3030253 (PWSA Line Repair Petition)**

Request: UNITED-I-2 For January 2020 to date, disaggregated by month and year, how many of PWSA’s customers were/are categorized as “confirmed low-income” customers? Please explain how PWSA identifies customers as “confirmed low income.” Please provide this data in a live Excel spreadsheet, with all formula intact.

Response: See United-I-2 Attachment A. Between January 2020 and February 2021, PWSA identified low income customers by enrollment in PWSA’s Bill Discount Program. As of March 2021, PWSA’s PGH2O Cares team formed and put into place additional recording and tracking measures per Section III.F.1 of the Joint Petition for Settlement, which was filed on September 30, 2020 and approved by the Commission on October 29, 2020 at Docket No. R-2020-3017951. One of these metrics included a “confirmed low income” unique account identifier, which is applied to an account when the customer enters into a low income, or 60 month, payment arrangement, is enrolled in any of PWSA’s low income customer assistance programs, and/or advises of any other circumstance which makes it reasonably likely that the customer is low income.

Response provided by: Julie A. Mechling, Director of Customer Service
The Pittsburgh Water and Sewer Authority

Dated: September 1, 2022

UNITED-I-2 Attachment A

	2021											2022					
	March	April	May	June	July	August	Septembe	October	November	December	January	February	March	April	May	June	
Bill Discount Program Enrollment	4530	4420	4565	4610	4707	4838	4943	5078	5150	5217	5322	5346	5439	5448	5503	5538	
60-Month Payment Arrangement	774	852	728	567	518	492	483	483	536	450	472	462	281	386	286	447	
Lead Line Replacement Reimbursement Program	3	4	1	2	0	4	4	5	12	6	8	2	3	0	33	0	
Hardship Grant	1	1	3	4	2	3	2	1	3	2	6	1	6	2	8	1	
ALCOSAN Clean Water Assistance Fund Grant	102	98	86	88	83	76	75	64	62	60	50	477	465	464	36	42	
Emergency Rental Assistance Program	0	5	4	6	16	13	12	37	20	12	34	51	33	33	24	2	
Confirmed Low Income	0	32	136	221	302	369	433	504	557	608	578	1567	1696	1813	1630	1970	
Low Income Household Water Assistance Program	0	0	0	0	0	0	0	0	0	0	0	2	44	57	51	60	
TOTAL	5410	5412	5523	5498	5628	5795	5952	6172	6340	6355	6470	7908	7967	8203	7571	8060	

**Response of The Pittsburgh Water and Sewer Authority (“PWSA”)
to the Interrogatories of Pittsburgh UNITED, Set I in
Docket No. P-2022-3030253 (PWSA Line Repair Petition)**

Request: UNITED-I-3 For January 2020 to date, disaggregated by month and year, please indicate how many PWSA customers had household incomes at or below 150% FPL. Please provide this data in a live Excel spreadsheet, with all formula intact.

Response: See UNITED-I-3 Attachment A. As of March 2021, PWSA’s PGH2O Cares team formed. Prior to March 2021, detailed reporting metrics were not available. PWSA’s records reflect those customers who have enrolled in PWSA’s Bill Discount Program. PWSA does not record household income for customers enrolled in its other assistance programs.

Response provided by: Julie A. Mechling, Director of Customer Service
The Pittsburgh Water and Sewer Authority

Dated: September 1, 2022

UNITED-I-3 Attachment A

2021											2022					
March	April	May	June	July	August	September	October	November	December	January	February	March	April	May	June	July
4530	4420	4565	4610	4707	4838	4944	5078	5150	5217	5321	5345	5439	5448	5502	5537	5597

Bill Discount Program Enrollment

**Response of The Pittsburgh Water and Sewer Authority (“PWSA”)
to the Interrogatories of Pittsburgh UNITED, Set I in
Docket No. P-2022-3030253 (PWSA Line Repair Petition)**

Request: UNITED-I-6 For 2020 to present, disaggregated by month and year, please indicate how many PWSA customers were classified as “high consumption” based on the definition provided by PWSA at 13: 6-9 (i.e. monthly consumption that is greater than or equal to 200% of the previous reading and over 9,000 gallons), disaggregated by the following customer segments:

- a. All residential customers;
- b. Confirmed low income customers;
- c. BDP customers.

Please provide this data in a live Excel spreadsheet, with all formula intact.

Response: PWSA’s billing records identify the number of accounts per billing cycle where the monthly consumption is greater than or equal to 200% of the previous reading and over 9,000 gallons. These records do not differentiate customers identified as “confirmed low income customers” or those customers who are enrolled in the Bill Discount Program. PGH2O Cares records identify the number of customers who are contacted based upon their monthly high consumption; however, these contacts are specific to those customers who are enrolled in the Bill Discount Program. There is currently no reporting in place at PWSA for “confirmed low income customers” identified with high consumption.

Response provided by: Julie A. Mechling, Director of Customer Service
The Pittsburgh Water and Sewer Authority

Dated: September 1, 2022

VERIFICATION

I, Mitchell Miller hereby state that the facts set forth in Pittsburgh United Statement 1-R, the Rebuttal Testimony of Mitchell Miller, are true and correct to the best of my knowledge, information, and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements made herein are subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsifications to authorities.)

September 13, 2021
Date


Signature