



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

IN REPLY PLEASE  
REFER TO OUR FILE

March 18, 2024

Docket No. P-2024-3046468

Utility Code 2220554

DANIEL CLEARFIELD ESQUIRE  
DEANNE M ODELL ESQUIRE  
SARAH C STONER ESQUIRE  
LAUREN M BURGE EQUIRE  
ECKERT SEAMANS CHERIN & MELLOTT LLC  
213 MARKET STREET 8TH FLOOR  
HARRISBURG PA 17101  
[DCLEARFIELD@ECKERTSEAMANS.COM](mailto:DCLEARFIELD@ECKERTSEAMANS.COM)  
[DODELL@ECKERTSEAMANS.COM](mailto:DODELL@ECKERTSEAMANS.COM)  
[SSTONER@ECKERTSEAMANS.COM](mailto:SSTONER@ECKERTSEAMANS.COM)  
[LBURGE@ECKERTSEAMANS.COM](mailto:LBURGE@ECKERTSEAMANS.COM)

RE: Petition of The Pittsburgh Water and Sewer Authority for Approval of its Lead Service Line Replacement Program at Docket No. P-2024-3046468

Dear Attorneys Clearfield, O'Dell, Stoner, and Burge:

On February 15, 2024, The Pittsburgh Water and Sewer Authority (PWSA) filed the above-captioned document (Petition) with the Pennsylvania Public Utility Commission (Commission). For the Commission to complete its analysis of the filing, please respond with the information requested in the attached document.

Please forward the information to the Secretary of the Commission **within ten (10) business days** from the date of this letter. All documents requiring notary stamps must have original signatures. The Commission strongly encourages submission through efilings with the Secretary of the Commission by opening an efilings account through the Commission website and accepting eservice at <https://efiling.puc.pa.gov>. The Commission is accepting all public documents through our efilings system at this time.

If your filing contains confidential material, you are required to either file by overnight delivery or submit to the Secretary's Share Point File system to ensure the timely filing of your submission. Filers should contact the Secretary's Bureau in advance to gain access to the Share Point File system. Make sure to reference the Docket Number listed above when filing your response. The overnight address for hard-copy or confidential responses is:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Please note your answers must be verified per 52 Pa. Code § 1.36. Accordingly, you must provide the following statement with your responses:


*I, [print name of appropriate company representative], hereby state that the facts above set forth 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 herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).*

Signature \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

Please contact the below staff person if any problems should arise that prevent a full response within ten business days or if any clarification of these data requests is needed. Please mark the materials “CONFIDENTIAL” in bold or highlighted manner if any of the requested information is deemed to be of a confidential nature.

In addition, to expedite completion of the review, please send a copy of the response to Matthew T. Lamb, P.E. in the Water/Wastewater Section of the Bureau of Technical Utility Services via e-mail at [mlamb@pa.gov](mailto:mlamb@pa.gov). Please also direct any questions to Matthew Lamb at telephone number (717) 783-1001. Thank you in advance for your cooperation.

Sincerely,



Rosemary Chiavetta  
Secretary

Enclosure: TUS Data Request Set 1

cc: Patrick Cicero, Office of Consumer Advocate (w/enclosure), [ra-oca@paoca.org](mailto:ra-oca@paoca.org)  
Christine Hoover, Office of Consumer Advocate (w/enclosure), [choover@paoca.org](mailto:choover@paoca.org)  
NazAarah Sabree, Office of Small Business Advocate (w/enclosure), [ra-sba@pa.gov](mailto:ra-sba@pa.gov)  
Allison Kaster, Bureau of Investigation & Enforcement (w/enclosure), [akaster@pa.gov](mailto:akaster@pa.gov)

## TUS Data Request Set 1

### Petition of the Pittsburgh Water and Sewer Authority for Approval of its Lead Service Line Replacement Program at Docket No. P-2024-3046468

Note: Please restate the data request prior to providing a response. In addition, provide the name and title of the person(s) providing the response and/or information for each data request.

- P-1. Appendix A of PWSA's Petition for Approval of its Lead Service Line Replacement Program (LSLR Program) included a copy of PWSA's Lead Service Line Replacement Plan (LSLR Plan). In Section III, Paragraph 19, of the LSLR Program, PWSA indicated that its Lead Infrastructure Plan provides for the replacement of non-residential LSLs in certain circumstances. Additionally, in Section IV, Paragraph 23.g., of the LSLR Program, PWSA indicated that if PWSA were to expand its lead service line replacement (LSLR) efforts for non-residential customers in this LSLR Plan, it would inhibit PWSA's ability to meet its previous goal of replacing remaining residential LSLs in its system by the end of 2026. Further, PWSA indicated that it would subsequently update its LSLR Plan to expand LSLR efforts for non-residential customers. However, 52 Pa. Code § 65.52 defines a Customer as a party contracting with an entity for service. The Commission notes that an entity's LSLR plan shall include a plan for the replacement of all lead service lines (LSLs) connected to its water system regardless of the entity's classification of the Customer. Please submit a revised LSLR Plan that addresses the replacement of all LSLs connected to the system inclusive of all customer classes.
- P-2. The LSLR Plan's Appendix A included a copy of PWSA's Service Line Inventory (SL Inventory). In Section 2.1 of the LSLR Plan, PWSA indicated its SL inventory complies with the United States Environmental Protection Agency (EPA) regulations at 40 CFR §§ 141.1-143.20, both in terms of substance and in timing and direction. However, for each identified service line, PWSA's SL Inventory does not identify the estimated date range of when the service line was installed, the specific method used to determine the material of each service line, and whether the material identification was field verified. Specifically, the EPA's Inventory Template provided at <https://www.epa.gov/ground-water-and-drinking-water/planning-and-developing-service-line-inventory> includes the collection of the aforementioned information in the Detailed Inventory tab of the Inventory Template. Recognizing PWSA's inventorying efforts are still in progress, please submit a revised SL Inventory that includes all data fields for each service line PWSA intends to provide to the EPA by the October 16, 2024 deadline.
- P-3. In Section 2.2 of the LSLR Plan, PWSA indicated that its inventory project initially focused on residential public side service lines and was subsequently expanded to include residential and non-residential public and private side service lines. Additionally, in Section 2.6 of the LSLR Plan, PWSA indicated its efforts to refine and update the SL Inventory are currently ongoing. Please provide responses to the following:
- a. Confirm PWSA's SL Inventory includes all residential and non-residential public and private side service lines;
  - b. Submit a revised Table 1, as shown in the LSLR Plan's Section 2.6, to include a breakdown of PWSA's SL Inventory, as of February 2024, by residential and non-residential customer classes;

TUS Data Request Set 1

Petition of the Pittsburgh Water and Sewer Authority for Approval of its Lead Service Line Replacement Program at Docket No. P-2024-3046468

- c. Provide a projected date by which PWSA expects to have a completed SL Inventory; and
  - d. Submit a copy of PWSA's SL Inventory in a live electronic spreadsheet format.
- P-4. In Section 2.6 of the LSLR Plan, PWSA estimated that it has approximately 5,860 public and 9,100 private LSLs remaining (Remaining LSLs) in the PWSA water system. Please provide responses to the following:
- a. Clarify whether the Remaining LSLs include all residential and non-residential customers;
  - b. Provide a breakdown of the Remaining LSLs by customer class and public and private side; and
  - c. If the Remaining LSLs do not account for non-residential customers, provide a revised estimation of the Remaining LSLs that includes all residential and non-residential customers and their service lines, broken down by customer class and public and private side.
- P-5. In Section 3.5.1 of the LSLR Plan, PWSA indicated that it is replacing non-residential LSLs as part of its 2022 Priority LSLR Program and at any non-residential location within a project area that is replacing water mains. However, PWSA's Tariff Supplement does not identify that PWSA will complete non-residential LSLRs other than LSLRs involving certain residences, PWSA's Small Diameter Water Main Replacement Program, and in certain emergencies. Please provide responses for each of the following:
- a. Submit a revised Tariff Supplement that conforms with PWSA's LSLR Plan, to include LSLRs for non-residential customers in areas where PWSA is replacing water mains; and
  - b. Confirm that PWSA's revised Tariff Supplement allows PWSA to remove and replace all non-residential LSLs in compliance with 52 Pa. Code § 65.53(a).
- P-6. In Section 4.1 of the LSLR Plan, PWSA projected performing 2,000 Authority-owned and 3,100 customer-owned LSLRs on an annual basis and indicated an annual cap of 4,000 customer-owned LSLRs. However, 52 Pa. Code § 65.56(b)(2) requires that an entity's LSLR Plan include a projected number of LSLRs per calendar year with an explanation of how the entity's projection was determined and a statement that this number is consistent with the entity's annual cap on LSLRs. PWSA's LSLR Plan did not include a statement that the number of planned customer-owned LSLRs per year is consistent with PWSA's annual cap. Please provide a revised LSLR Plan that complies with the requirements of 52 Pa. Code § 65.56(b)(2).
- P-7. In Section 5.3.2, Stand-in-the-Shoes Rights, of the LSLR Plan, PWSA indicated that it may stand in the shoes of the property owner to replace a Customer-Owned Lead Service

TUS Data Request Set 1

Petition of the Pittsburgh Water and Sewer Authority for Approval of its Lead Service Line Replacement Program at Docket No. P-2024-3046468

Line when certain conditions have been met as described therein. Please provide responses to the following:

- a. Explain the legal standard under which PWSA would be permitted to complete a LSLR under the identified conditions and how PWSA would assign ownership of the LSLR to the property owner if a LSL is replaced under these circumstances;
  - b. Explain whether PWSA has determined, in lieu of proceeding with an unauthorized LSLR on private property, whether the Customer, who is not the property owner, can accept an offer for a LSLR at no direct cost under the Customer's ability to repair the premises;
  - c. Identify any alternative process PWSA could implement to avoid termination of service when a property owner who is not the customer is nonresponsive to PWSA's offer to replace a customer-owned LSL other than Stand-in-the-Shoes; and
  - d. Quantify the number of LSLRs that PWSA has completed using the Stand-in-the-Shoes premise broken down by year.
- P-8. In Section 5.4.3 of the LSLR Plan, PWSA provided details of various information and outreach elements included in its lead website (LSLR Website) at <https://lead.pgh2o.com>. While PWSA's LSLR Website identifies completed and future LSLR project areas, it does not include a schedule or an indication of the planned timeframe for the future LSLR project areas. Additionally, PWSA's LSLR Website includes information regarding the reimbursement requirements. However, the LSLR Website does not include a secure online tool that provides customers or property owners, if the customer is not the property owner, the ability to determine whether the customer or property owner may be eligible for reimbursement. Please provide responses to the following:
- a. 52 Pa. Code § 65.56(c)(2)(i) requires that an entity's LSLR Section of its website include an online tool describing the replacement schedule by geographic location, at least six months into the future. Please revise the PWSA LSLR Website to include the information required by 52 Pa. Code § 65.56(c)(2)(i), or revise the LSLR Plan to indicate that the information required by 52 Pa. Code § 65.56(c)(2)(i) will be added to the website within 12 months of Commission approval of the LSLR Program; and
  - b. 52 Pa. Code § 65.56(c)(2)(ii) requires that an entity's LSLR Section of its website include information regarding the reimbursement requirements and a secure online tool that provides customers or property owners, if the customer is not the property owner, the ability to determine whether the customer or property owner may be eligible for reimbursement. Please revise the PWSA LSLR Website to include the information required by 52 Pa. Code § 65.56(c)(2)(ii), or revise the LSLR Plan to indicate that the information required by 52 Pa. Code § 65.56(c)(2)(ii) will be added to the website within 12 months of Commission approval of the LSLR Program.

## TUS Data Request Set 1

### Petition of the Pittsburgh Water and Sewer Authority for Approval of its Lead Service Line Replacement Program at Docket No. P-2024-3046468

- P-9. The LSLR Plan's Appendix E included a copy of a Reference Key for LSLR Regulatory Requirements (Reference Key). The Reference Key's Page 1 referred to the LSLR Plan's Section 5.3.2, Page 32 for demonstrating compliance with 52 Pa. Code § 65.56(b)(10)(i). However, the LSLR Plan's Section 5.3 does not appear to include the provision of a complete disclosure to Customers of the known health hazards for the continued use of a LSL. 52 Pa. Code § 65.56(b)(10)(i) requires an entity to provide the customer and property owner, if the customer is not the property owner, with a complete disclosure of the known health hazards from the continued use of a LSL if the customer or property owner refuses a LSLR. Please provide a revised LSLR Plan, Section 5.3.2 that complies with the requirements of 52 Pa. Code § 65.56(b)(10)(i).
- P-10. The Reference Key's Page 1 referred to PWSA's Petition for Waiver for demonstrating compliance with 52 Pa. Code § 65.56(b)(10)(ii). However, 52 Pa. Code § 65.56(b)(10)(ii) requires an entity to inform the customer or property owner, if the customer is not the property owner, that refusal or failure to accept will require replacement of the customer-owned LSL, at the customer or property owner's expense, within one year from LSLR project commencement for the customer or property owner, if the customer is not the property owner, to be eligible for reimbursement. Please provide a revised LSLR Plan, Section 5.3.2 that complies with the requirements of 52 Pa. Code § 65.56(b)(10)(ii).
- P-11. The LSLR Program's Appendix B included a copy of PWSA's proposed revised pages of PWSA's Commission approved Second Long-Term Infrastructure Improvement Plan (LTIIIP Modification) as a minor modification due to the resulting changes being well below the 20% threshold for major modifications set forth in 52 Pa. Code § 121.2. Please submit clean and redline versions of the entire proposed (revised) Second LTIIIP inclusive of the LTIIIP Modification as part of PWSA's responses to TUS Data Request Set 1 and, separately, filed at Docket No. P-2022-3035953.
- P-12. The LSLR Program's Appendix C included a copy of PWSA's *pro forma* Tariff Supplement (Tariff Supplement). The Reference Key's Page 2 referred to PWSA's Petition for Waiver and to the Tariff Supplement's Page 66 for demonstrating compliance with 52 Pa. Code § 65.58(d). The Commission notes that an entity must provide a reimbursement to an eligible customer for a Customer completed LSLR within one year before or from LSLR project commencement regardless of income or customer class. 52 Pa. Code § 65.58(d)(1)(iii)(A) requires that an entity's *pro forma* tariff supplement must include language explaining its reimbursement terms and conditions, which shall contain an explanation of the entity's method for determining eligibility, providing that a customer or property owner, if the customer is not the property owner, located within a LSLR project area is eligible for a reimbursement of LSLR expenses up to 125% of the average cost the entity would have incurred to perform the replacement of a similarly-sized service line, not to exceed the actual cost. Please provide a revised Tariff Supplement that complies with 52 Pa. Code § 65.58(d)(1)(iii)(A).

TUS Data Request Set 1

Petition of the Pittsburgh Water and Sewer Authority for Approval of its Lead Service Line Replacement Program at Docket No. P-2024-3046468

- P-13. The Reference Key's Page 2 referred to PWSA's Petition for Waiver and the Tariff Supplement's Page 66 for demonstrating compliance with 52 Pa. Code § 65.58(d). 52 Pa. Code § 65.58(d)(1)(iii)(B) requires that an entity's pro forma tariff supplement must include language explaining its reimbursement terms and conditions, which shall contain an explanation of the entity's method for determining eligibility, providing that a customer or property owner, if the customer is not the property owner, shall submit to the entity a detailed estimate and paid invoice from a licensed contractor where applicable, verifying the replacement of the customer-owned LSL. Instead of a detailed estimate, a verified statement from the contractor attesting to completion of a LSLR may be sufficient. Please provide a revised Tariff Supplement that complies with 52 Pa. Code § 65.58(d)(1)(iii)(B).
- P-14. The Tariff Supplement's Section 4 described an income-based Reimbursement Program (Reimbursement Program) which does not comply with the minimum reimbursement requirements identified in 52 Pa. Code § 65.58(d)(1)(iii)(A). 52 Pa. Code § 65.58(d)(1)(iii)(A) requires that an entity's *pro forma* tariff supplement must include language explaining its reimbursement terms and conditions, which shall contain an explanation of the entity's method for determining eligibility, providing that a customer or property owner, if the customer is not the property owner, located within a LSLR project area is eligible for a reimbursement of LSLR expenses up to 125% of the average cost the entity would have incurred to perform the replacement of a similarly-sized service line, not to exceed the actual cost. However, under PWSA's Reimbursement Program, some customers in LSLR Project Areas would be eligible for reimbursements of greater than 125% of the average cost the entity would have incurred while some customers would be eligible for potentially far less than 125% of the average cost. Sections 1304 and 1502 of the Pennsylvania Public Utility Code (Code), 66 Pa.C.S. §§ 1304 and 1502, prohibit an entity from, as to services and rates, making or granting any reasonable preference or advantage to any person, corporation, or municipal corporation or to subject any person, corporation, or municipal corporation to unreasonable prejudice or disadvantage. Please provide responses to the following:
- a. Explain how PWSA's Reimbursement Program is compliant with Sections 1304 and 1502 of the Code, 66 Pa.C.S. §§ 1304 and 1502; and
  - b. Explain how PWSA's Reimbursement Program, in the context of Commission regulations and the Code, does not grant any unreasonable preference or advantage to a particular group of Customers.
- P-15. In the Tariff Supplement's Section 4.a., PWSA uses the term "ad hoc" replacements. However, the LSLR Plan does not appear to use the term "ad hoc" replacements in the LSLR Plan. Pursuant to 52 Pa. Code § 65.58(c)(2), a customer or a property owner, if the customer is not the property owner, may elect to replace the customer-owned LSL subject to the conditions therein. Please provide responses to the following:

TUS Data Request Set 1

Petition of the Pittsburgh Water and Sewer Authority for Approval of its Lead Service Line Replacement Program at Docket No. P-2024-3046468

- a. Define the term “ad hoc” replacements and how it conforms with the words and terms defined by Commission regulation in 52 Pa. Code § 65.52;
  - b. Submit a revised Tariff Supplement and/or LSLR Plan that uses the same defined terms for when a customer or a property owner, if the customer is not the property owner, elects to replace the customer-owned LSL; and
  - c. Quantify the anticipated number of Customers PWSA expects to elect to replace the customer-owned LSL for the following three years beginning with 2024.
- P-16. In the Commission’s March 14, 2022, Act 120 Final Rulemaking Order at Docket L-2020-3019521, Page 54, the Commission indicated, “[...] PWSA seeks clarification about the impact of the reimbursement regulations on its existing reimbursement program for customer-initiated replacements not performed within one year of commencement of LSLR Project Commencement. Again, we note that the Commission’s regulations will set forth minimum requirements and, thus the regulations will not limit entities from offering other reimbursements.” Also, in PWSA’s Petition (Waiver Petition) for waivers of Commission LSLR Regulations at Docket P-2024-3046465, Page 1, PWSA indicated that it submitted its Waiver Petition, “so as to permit PWSA to continue its existing reimbursement program”. Please clarify whether PWSA believes that waivers of Commission LSLR regulations, 52 Pa. Code §§ 65.51, *et. seq.*, are needed for PWSA to continue to provide reimbursements under its Tariff Supplement, Part VI, Section 4.a.i.-iii (Income-based Reimbursements).
- P-17. In the Tariff Supplement’s Section 4.a.iv., PWSA indicated that for households that don’t qualify for Income-based Reimbursements, PWSA would provide a \$1,000 stipend towards the replacement cost of a Customer LSLR. However, pursuant to 52 Pa. Code § 65.58(d)(1)(iii)(A), a customer or property owner, if the customer is not the property owner, located within a LSLR project area is eligible for a reimbursement of LSLR expenses up to 125% of the average cost the entity would have incurred to perform the replacement of a similarly-sized service line, not to exceed the actual cost. Please provide responses to the following:
- a. Explain how PWSA’s LSLR Program would be impacted, if at all, by revising the LSLR Plan’s and Tariff Supplement’s Reimbursement Program to be fully compliant with Commission regulations in the context of 52 Pa. Code § 65.58(d)(2). Specifically, clarify if PWSA anticipates compliant reimbursements would cause the entity to exceed its current annual cap, causing the entity to increase its current annual cap by the amount of the reimbursement and decrease its next annual cap by this amount;
  - b. Quantify the anticipated differential financial impact of PWSA revising its LSLR Plan and Tariff Supplement to include a fully compliant reimbursement program to Commission regulation as compared with PWSA’s Reimbursement Program; and

TUS Data Request Set 1

Petition of the Pittsburgh Water and Sewer Authority for Approval of its Lead Service Line Replacement Program at Docket No. P-2024-3046468

- c. Quantify each of the following to demonstrate the anticipated differential financial impact:
- i. The estimated number of customer-owned LSLs remaining;
  - ii. The estimated number of customer-owned LSLs identified in item (i) that will be replaced by customers or property owners that will seek reimbursement from PWSA;
  - iii. The estimated number of customer-owned LSLs identified in item (ii) that will be replaced by customers or property owners within one year before or from LSLR project commencement and that are located within a LSLR project area;
  - iv. PWSA's total estimated cost for replacing all customer-owned LSLs and providing reimbursements under PWSA's Reimbursement Program, without providing reimbursements to all Customers in compliance to Commission regulations; and
  - v. PWSA's total estimated cost for replacing all customer-owned LSLs and providing reimbursements under PWSA's Reimbursement Program, including reimbursements to all Customers in compliance to Commission regulations.
- P-18. In the Tariff Supplement's Section 4.b., PWSA indicated, "Reimbursements will be issued in the form of a check issued no later than 45 days after the request is approved." However, 52 Pa. Code § 65.58(d)(1)(ii) requires that an entity's *pro forma* tariff supplement reimbursement provisions must include the length of time by which the entity will issue a reimbursement for an eligible reimbursement request. Please provide a revised Tariff Supplement that complies with 52 Pa. Code § 65.58(d)(1)(ii), such as by indicating the number of days after which PWSA will issue a reimbursement for an eligible reimbursement request, including PWSA's time to review and approve or deny requests.
- P-19. In the Tariff Supplement's Section 6, PWSA indicated that in the case where a customer LSL crosses one or more properties, PWSA will terminate service to the neighboring properties if those properties do not permit PWSA access across the property to replace the customer LSL that crosses the property. Please explain the legal standard or precedents under which PWSA would be authorized to complete the proposed terminations.
- P-20. In the Tariff Supplement's Section 11, PWSA indicated, "The maximum coverage under the warranty shall be to repair or replace the Customer Lead Service Line replacement [...]". However, 52 Pa. Code § 65.58(e)(2) requires that an entity's *pro forma* tariff supplement warranty provisions must define the maximum coverage amounts under the warranty. Please provide a revised Tariff Supplement that complies with 52 Pa. Code § 65.58(e)(2), such as by indicating a specific dollar amount, specifying that the maximum

TUS Data Request Set 1

Petition of the Pittsburgh Water and Sewer Authority for Approval of its Lead Service Line Replacement Program at Docket No. P-2024-3046468

coverage amount is unlimited, or denoting an amount that can be reasonably determined (i.e., a multiple of an identifiable cost, such as PWSA's cost to install the LSLR or PWSA's average cost to install a LSLR at the time the LSLR is install).

- P-21. Please provide revised LSLR Plan Appendixes to include revised copies of printed and broadcast materials to be distributed under PWSA's LSLR Program, to the extent that the information provided in printed and broadcast materials does not conform with PWSA's revised LSLR Plan and *pro forma* Tariff Supplement provided in responses to these Data Requests, including Data Requests P-9, P-10, P-13, P-18, and P-20.