

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of the Pittsburgh Water and Sewer Authority :
for Approval of its Lead Service Line Replacement : P-2024-3046468
Program :

PREHEARING CONFERENCE ORDER

On February 15, 2024, the Pittsburgh Water and Sewer Authority (“PWSA”) filed with the Pennsylvania Public Utility Commission (“Commission”) a Petition for Approval of its Lead Service Line Replacement (“LSLR”) Program in compliance with the Commission’s LSLR regulations at 52 Pa. Code § 65.51, *et seq.* Attached to this Petition are: (1) PWSA’s proposed LSLR Plan; (2) proposed revised pages of PWSA’s current Commission approved Second Long-Term Infrastructure Improvement Plan, updated with information about PWSA’s LSLR Plan consistent with this Petition; (3) the pro forma tariff supplement with proposed changes necessary to implement the LSLR Plan; and (4) information required under Section 53.52(a) of the Commission’s regulations (related to tariff revisions). This Petition was docketed at Docket No. P-2024-3046468.

Also on February 15, 2024, PWSA filed a Petition for Waiver of Certain Regulations Regarding its LSLR Program. This Petition sought waivers of the Commission’s regulations at Sections 65.58(d), 65.58(d)(1)(iii)(A) and (B), and 65.56(b)(10)(ii) relating to reimbursements to an eligible customer or property owner who replaces their lead service line within one year before or from LSLR project commencement. This Petition was docketed at Docket No. P-2024-3046465.

On March 6, 2024, the Office of Consumer Advocate (“OCA”) filed an Answer to both Petitions.

Also on March 6, 2024, Pittsburgh United Our Water Table (“United”) filed a Petition to Intervene and Answer to both Petitions.

On April 8, 2024, the Commission issued a Telephonic Prehearing Conference Notice, scheduling a Prehearing Conference in both matters for Friday, May 3, 2024, at 10:00 a.m. and formally assigned Administrative Law Judges Steven K. Haas and Alphonso Arnold III as Presiding Officers to the proceedings. **The parties are directed to dial 1-888-395-6703, pin 88097140 at 10:00 a.m. to be connected to the conference.**

In accordance with Section 333 of the Public Utility Code, 66 Pa.C.S. § 333, and Sections 5.221-5.224 of the Commission’s regulations, 52 Pa.Code §§ 5.221-5.224, this prehearing conference order is being issued.

ORDER

THEREFORE,

IT IS ORDERED:

1. That an Initial Call-In Telephonic Prehearing Conference shall be held on **Friday, May 3, 2024,** beginning at 10:00 a.m. The Parties shall dial **1-888-395-6703, pin 88097140 at 10:00 a.m.** to be connected to the conference.

2. That absent a continuance for good cause, all parties must be prepared to participate in the scheduled prehearing conference. Failure of a party to participate in the conference without good case shown, shall constitute a waiver of all objections to the agreements reached and an order or ruling with respect thereto.

3. That a request for a change of the scheduled Initial Prehearing Conference date shall state the agreement or opposition of other parties and shall be submitted no later than five (5)

days prior to the Initial Prehearing Conference. 52 Pa.Code § 1.15(b). Requests for change must be sent to the Presiding Officers with copies to all parties of record.

4. Prior to the prehearing conference, the parties shall confer and determine whether the Petitions at P-2024-3046468 and P-2024-3046465 are appropriate matters to be mediated by the Office of Administrative Law Judge's Mediation Unit.

5. That during the prehearing conference, the parties should be prepared to address the following issues:

- 1) Consolidation of the Petitions at P-2024-3046468 and P-2024-3046465.
- 2) The intervention of Pittsburgh United Our Water Table.
- 3) Whether the Petitions at P-2024-3046468 and P-2024-3046465 are appropriate matters to be mediated by the Office of Administrative Law Judge's Mediation Unit.

If the parties determine that the Petitions are not appropriate for mediation:

- 4) A proposed plan and schedule of discovery;
- 5) Possibility of settlement;
- 6) A list of the issues and sub-issues of this proceeding which the party intends to address and a statement of the party's position on each of the issues and sub-issues listed;
- 7) Amount of hearing time needed;
- 8) Names, business addresses, and telephone numbers of witnesses the party expects to call and the subject matter of each witnesses' testimony;
- 9) Litigation schedule for submission of testimony, hearings, and briefs; and
- 10) Any other appropriate matter

6. That each active participant must file and serve, **on or before 4:00 p.m., Wednesday, May 1, 2024**, a prehearing conference memorandum which sets forth the history of these proceedings and addresses the agenda items listed above. **If more than one attorney represents a party, your prehearing memorandum should identify one attorney who will speak as the lead attorney for the purposes of the prehearing conference.**

7. That all parties shall review the regulations relating to discovery, specifically 52 Pa.Code § 5.331(b), which provides, among other things, that "a party shall initiate discovery as early in the proceedings as reasonably possible," and 52 Pa.Code § 5.322, which encourages

parties to exchange information on an informal basis. All parties are urged to cooperate in discovery. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa.Code §§ 5.361, 5.371 – 5.372.

8. That you must serve the Presiding Officers directly with a copy of any document that you file in this proceeding at alphonarno@pa.gov and sthaas@pa.gov. If you send any correspondence or document to the Presiding Officers, you must send a copy to all other parties. For your convenience, a copy of the Commission's current service list of the parties to this proceeding is enclosed with this order.

9. That parties shall review the regulations pertaining to prehearing conferences, in particular 52 Pa.Code § 5.222(d), which provides that parties and counsel will be expected to attend the conference fully prepared for useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto. The preparation should include, among other things, advance study of all relevant materials, and advance informal communication between the participants, including requests for additional data and information, to the extent it appears feasible and desirable.

10. That the parties shall stipulate to any matters they reasonably can to expedite this proceeding, lessen the burden of time and expense in litigation on all parties and conserve precious administrative hearing resources. 52 Pa.Code §§ 5.232 and 5.234. All stipulations entered into by the parties shall be reduced to writing, signed by the parties to be bound thereby, and moved into the record during the hearings in this case. An exception to this requirement may occur when circumstances warrant. If so, an oral presentation of a stipulation is permissible, if it is followed by a reduction to writing as herein directed.

11. That the parties are to confer amongst themselves in an attempt to resolve all or some of the issues associated with this filing. The parties are reminded it is the Commission's

policy to encourage settlements. 52 Pa.Code § 5.231(a). The parties are strongly urged to seriously explore this possibility.

Date: April 10, 2024

_____/s/_____
Steven K. Haas
Administrative Law Judge

_____/s/_____
Alphonso Arnold III
Administrative Law Judge

P-2024-3046468 - PWSA PETITION FOR APPROVAL OF ITS LEAD SERVICE LINE REPLACEMENT PROGRAM

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