



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

IN REPLY PLEASE  
REFER TO OUR FILE

March 4, 2025

Docket No. P-2023-3041845

Utility Code 210540

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RE: Petition of Columbia Water Company for Approval of its Lead Service Line Replacement Program, Modification of its Long-Term Infrastructure Improvement Plan and Waiver of Commission Regulations Regarding Termination Requirements at Docket No. P-2023-3042107

Dear Attorneys Snyder and Sniscak:

On July 21, 2023, Columbia Water Company (Columbia Water) 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 2

- cc: Darryl Lawrence, Office of Consumer Advocate (w/enclosure), [ra-oca@paoca.org](mailto:ra-oca@paoca.org)
- Melanie El Atieh, Office of Consumer Advocate (w/enclosure), [melatieh@paoca.org](mailto:melatieh@paoca.org)
- Harrison Brietman, Office of Consumer Advocate (w/enclosure), [hbreitman@paoca.org](mailto:hbreitman@paoca.org)
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- Steven Gray, Office of Small Business Advocate (w/enclosure), [sgray@pa.gov](mailto:sgray@pa.gov)
- Rebecca Lyttle, Office of Small Business Advocate (w/enclosure), [relyttle@pa.gov](mailto:relyttle@pa.gov)
- Allison Kaster, Bureau of Investigation & Enforcement (w/enclosure), [akaster@pa.gov](mailto:akaster@pa.gov)

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### Petition of Columbia Water Company for Approval of its Lead Service Line Replacement Program, Modification of its Long-Term Infrastructure Improvement Plan and Waiver of Commission Regulations Regarding Termination Requirements at Docket No. P-2023-3041845

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-11. In Columbia Water’s response to Data Request P-8, Columbia Water indicated that it had filed with the Commission’s Secretary’s Bureau (Secretary’s) a copy of its service line inventory (SLI) in a live electronic spreadsheet format as an Excel file (2023 SLI File) entitled “Service Line Inventory – 8-31-2023”. However, the Commission did not receive a copy of the 2023 SLI File. The Commission notes that an Excel file can be filed through the Secretary’s Share Point File system to ensure the timely filing of your submission. Please file a copy of Columbia Water’s SLI in a live electronic spreadsheet format.
- P-12. Pursuant to the Commission’s Opinion and Order entered November 1, 2024, Columbia Water filed with the Commission on November 14, 2024, a copy of its Lead Service Line Replacement Plan (LSLR Plan) and Pro Forma Tariff Supplement No. \_\_\_ to Tariff Water – Pa. P.U.C. No. 7 (Pro Forma Tariff). The Pro Forma Tariff, Section 28.(3), indicated that Columbia Water’s LSLR Plan is in effect until September 2028. However, the LSLR Plan’s Section 1 identified that Columbia Water intends to determine a minimum cumulative average of 10.0% of the initial unknown service materials annually, and the LSLR Plan’s Section 2 identified that Columbia Water determined its LSLR projections by estimating the total number of LSLs to be less than 400. Therefore, Columbia Water’s LSLR Plan does not demonstrate that Columbia Water will replace all LSLs under its LSLR Plan by the September 2028 date included in the Pro Forma Tariff, or identify how Columbia Water would address any LSLs replaced after that date in compliance with its tariff, Commission regulations, and the Public Utility Code. The Commission notes that Columbia Water’s LSLR Program, upon approval by the Commission, will remain effective indefinitely and cannot be terminated or modified except by Commission Order. Please respond to the following:
- a. Provide a revised Pro Forma Tariff that removes Columbia Water’s statement in Section 28.(3) that Columbia Water’s LSLR Plan is in effect until September 2028; and
  - b. Based on Columbia Water’s plan to identify, at a minimum, a cumulative average of 10% of the initial unknown service materials annually, provide a projected date when Columbia Water intends to have its service line inventory complete.
- P-13. The Pro Forma Tariff’s Section 28.(4), LSLR Annual Cap, indicated Columbia Water will cap LSLR Projects at 25 customer-owned LSLRs or \$125,000, whichever is less, on an annual basis. However, pursuant to 66 Pa.C.S. § 1311(b)(2)(vi), a new tariff or supplement to an existing tariff approved by the commission under subparagraph (v) shall include a cap on the maximum number of customer-owned lead water service lines that can be replaced annually. Additionally, Commission regulations under 52 Pa. Code §

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65.58(a) require an entity's pro forma tariff or tariff supplement include a cap on the number of customer-owned LSLs that can be replaced annually. The Commission notes that neither the Commonwealth's Public Utility Law nor the Commission's regulation allows the inclusion of a monetary cap on LSLRs in the Pro Forma Tariff. Please provide a revised Pro Forma Tariff that removes Columbia Water's inclusion of a monetary cap on LSLRs (e.g., or \$125,000, whichever is less) from Section 28.(4).

- P-14. The Pro Forma Tariff's Section 28.(8), Non-Owner Occupied Properties, provided the following language "[t]he Company may provide the Customer with the option to execute a consent form for the LSL replacement and, upon execution of the Customer consent form, is authorized by this Tariff, which has the force and effect of law, to proceed to make the replacement without obtaining authorization from the property owner. The Company's replacement in this circumstance without the property owner's consent is in furtherance of the Company's duty pursuant to the Public Utility Code to provide safe and reasonable service and shall not constitute a violation of law or constitute any tort or other criminal or civil liability." Additionally, in Columbia Water's response to Data Request P-7, Columbia Water referenced the *Implementation of Chapter 32 of the Public Utility Code Regarding Pittsburgh Water and Sewer Authority - Stage 1 Petition of Pittsburgh Water and Sewer Authority for Approval of Its Long-Term Infrastructure Improvement Plan* at Docket No. M-2018-2640802, as justification for this provision. The Commission notes that Columbia Water is a privately-owned entity and may not be able to structure its LSLR Program in the same fashion as Pittsburgh Water and Sewer Authority, which is a public municipal corporation. Specifically, Columbia Water is proposing that the Customer, as the tenant, in executing the consent form would assume the liability of the Company's LSLR activities on property not owned by the Customer. Columbia Water detailed in its revised LSLR Plan, Non-Owner Occupied Premises, that in such circumstances the Company may proceed to make the replacement without obtaining authorization from the property owner. Please submit a revised Pro Forma Tariff that aligns with the language provided in the revised LSLR Plan as such: "the Company may proceed to make the replacement without obtaining authorization from the property owner. In any such instance of replacement, the Company, and any individual associated with the Company, including but not limited to employees, agents, board members and executives, are released and held harmless from any and all claims, causes of action, damages or losses, of any nature whatsoever with respect to the work performed but the Company or its contractors, and shall not be otherwise liable for any claim asserted by any person, including the property owner, as a result of the LSLR except to the extent otherwise authorized by the Tariff. In any instance where the Company cannot, in its sole judgement, reasonably make safe entry to the property service may be terminated until the property owner provides consent and provides safe access to said property."
- P-15. In the LSLR Plan's Planning and Replacements Section, Columbia Water indicated it set an annual cap of 25 customer-owned LSLRs per year or \$125,000, whichever is less.

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Additionally, Columbia Water estimated the total number of LSLs to be less than 400 and indicated that it would adjust its annual projection as necessary after all existing records have been inventoried. Based on Columbia Water's annual cap of 25 customer-owned LSLRs per year and the projected total number of LSLs to be 400, it appears the projected number of years required to replace all customer-owned lead service lines (COLSLs) would be approximately 16 years ( $400 \text{ LSLs} \div 25 \text{ LSLRs/year}$ ). The Commission notes that an entity can have a higher annual LSLR cap in its tariff than it first plans to complete annually, as detailed in its LSLR Plan, to allow the entity to increase the number of COLSLs in a LSLR Plan Update without requiring a rate case to make a tariff change. Additionally, the United States Environmental Protection Agency's (EPA's) Lead and Copper Rule Improvements (LCRI) finalized October 8, 2024, and effective December 31, 2024, is requiring the removal of all LSLs by December 31, 2037. Please provide responses to the following:

- a. Clarify whether the annual cap of 25 customer-owned LSLRs in the LSLR Plan, and separately in the Pro Forma Tariff, is sufficient to meet the requirements of the removal of LSLs as detailed in the LCRI, and specifically the LCRI required cumulative average annual replacement rate starting at the end of December 31, 2030; and
  - b. If meeting the requirements of the LCRI requires changes to Columbia's LSLR Program, provide a revised LSLR Plan, modified LTIIP, and/or Pro Forma Tariff that identifies the annual cap and, where applicable, a maximum budgeted amount necessary for Columbia Water to replace all LSLs inclusive of GRR within a calculated period of time but within the deadline established by the LCRI.
- P-16. In the LSLR Plan's Planning and Replacements Section, Columbia Water indicated that prior to the work being initiated, Columbia Water will contact customers within an LSLR Project Area at least two times over the six-month period once an LSLR Project Area has been identified, or until the customer responds to the Columbia Water, whichever is sooner, to determine whether there are COLSLs and to verify the presence of COLSLs. However, the LCRI indicates that if property owner consent is required for access, water systems must make a "reasonable effort" to obtain this consent. Under the LCRI, a "reasonable effort" is at least four attempts to engage the property owner using at least two different communication methods (e.g., in-person conversation, phone call, text message, email, written letter, postcard, or door hanger). Please respond to the following:
- a. Explain how Columbia Water's processes and procedures to obtain acceptance of a LSLR prior to LSLR project commencement complies with a reasonable effort as defined in the LCRI; and

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- b. If meeting the requirements of the LCRI requires changes to Columbia's LSLR Program, provide a revised LSLR Plan that incorporates the LCRI's reasonable effort requirements.
- P-17. Pursuant to the Commission's Opinion and Order entered November 1, 2024, Columbia Water filed with the Commission, on November 14, 2024, a copy of its Modified Long-Term Infrastructure Improvement Plan 2023 – 2027 (Modified LTIIIP). In the Modified LTIIIP's Introduction, Columbia Water indicated that it served approximately 12,154 customers at the end of year 2022. Please provide a revised Modified LTIIIP that includes the current number of customers served by Columbia Water at the end of November 2024.
- P-18. In the Modified LTIIIP's Introduction and Section 1, Types and Age of Eligible Property, Tables 1 and 2, Columbia Water indicated that it owns approximately 722,890 linear feet (LF) of water mains, 10,407 company-owned service lines, 3,535 valves, 978 hydrants, and 10,407 meters for the period covering 1875 through 2023, not including the East Donegal Rate District. However, Columbia Water previously indicated that it owned approximately 722,890 LF of water mains, 10,407 company-owned service lines, 3,535 valves, 978 hydrants, and 10,407 meters for the period covering 1875 through 2021 in Columbia Water's 2<sup>nd</sup> LTIIIP filed on August 26, 2022, at Docket No. P-2022-3034702. Consequently, there appears to be no change in Columbia Water's eligible property between 2021 and 2023. Please provide responses to the following:
  - a. Clarify whether there has been any change in Columbia Water's eligible property (e.g., the length of water mains and/or the quantities of company-owned service lines, valves, hydrants, and meters) between 2021 through 2024; and
  - b. If so, provide a revised Modified LTIIIP that includes any changes to Columbia Water's eligible property by type.
- P-19. In the Modified LTIIIP's Section 1, Tables 3 and 4, Columbia Water indicated that there are 12,051 and 12,050 company-owned and customer-owned service lines, respectively, included as eligible property under the LSLR Plan and the Modified LTIIIP. Additionally, in the Modified LTIIIP's footnote No. 4, Columbia Water also indicated that the East Donegal Rate District does not have a DSIC. As a result, Columbia Water has not included East Donegal capital improvements in its DSIC. Similarly, LSLR costs that are attributable to the East Donegal system will not be recovered through the DSIC. Columbia Water, however, reserved the right to request Commission approval to apply the DSIC to the East Donegal Rate District and recover these LSLR costs and all other DSIC-eligible costs attributable to the East Donegal Rate District through the DSIC. Please respond to the following:

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- a. Explain the discrepancy between the number of company-owned service lines enumerated as 10,407 in Table 1 and as 12,051 in Tables 3 and 4;
- b. Clarify whether Columbia Water included the East Donegal Rate District as eligible property in the total number of company-owned and customer-owned service lines included in Tables 3 and 4;
- c. If so, explain the discrepancy between the inclusion of the East Donegal Rate District service lines and the Modified LTIP's footnote No. 4 where Columbia Water indicated that LSLR costs that are attributable to the East Donegal system will not be recovered through the DSIC; and
- d. If East Donegal system assets are included in Tables 3 and 4, provide a revised Modified LTIP that includes only the company-owned and customer-owned service lines to the extent those service lines are made of lead materials or GRR which excludes East Donegal Rate District property.