

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	R-2025-3055010 (water)
Office of Small Business Advocate	:	C-2025-3056056
Office of Consumer Advocate	:	C-2025-3055943

v.

The Pittsburgh Water and Sewer Authority

Pennsylvania Public Utility Commission	:	R-2025-3055011(wastewater)
Office of Small Business Advocate	:	C-2025-3056054
Office of Consumer Advocate	:	C-2025-3055944

v.

The Pittsburgh Water and Sewer Authority

Pennsylvania Public Utility Commission	:	R-2025-3055012 (stormwater)
Office of Small Business Advocate	:	C-2025-3056058
Office of Consumer Advocate	:	C-2025-3055942

v.

The Pittsburgh Water and Sewer Authority

Petition of the Pittsburgh Water and Sewer Authority for Authorization to Increase Water and Wastewater DSIC Charge Caps to 7.5%	:	P-2025-3055650 (water)
	:	P-2025-3055652 (wastewater)

Petition of the Pittsburgh Water and Sewer Authority for Waiver of Statutory Definition of Fully Projected Future Test Year	:	P-2025-3055587 (water)
	:	P-2025-3055588 (wastewater)
	:	P-2025-3055589 (stormwater)

PREHEARING ORDER

On June 4, 2025, Pittsburgh Water and Sewer Authority d/b/a Pittsburgh Water (Pittsburgh Water, PWSA, or the Authority) filed Tariff Water – PA P.U.C. No. 1, Supplement No. 16, Tariff Wastewater PA P.U.C. No. 1, Supplement No. 15 and Tariff Storm Water PA P.U.C. No. 1, Supplement No. 7 (collectively, Rate Filing) with the Commission. The Authority proposes a multi-year rate increases to produce additional overall revenues by approximately \$84 million over two years – an initial rate increase of \$63.7 million (an increase of 25.9%) in 2026 and another rate increase of \$20.7 million (6.7%) in 2027. Pittsburgh Water’s request for approval of multi-year rates increases is a request for approval of “alternative ratemaking” under Section 1330 of the Public Utility Code.

PWSA serves approximately 81,000 water customers, 29,000 wastewater customers, and 4,300 stormwater customers, primarily in the City of Pittsburgh, the Boroughs of Millvale, McKees Rocks, Sharpsburg, Swissvale, Wilksburg and Blawnox, and portions of Reserve, O’Hara, Ross, Penn Hills and Shaler Townships in Allegheny County. It provides wastewater service and stormwater service in the City of Pittsburgh. The Authority’s wastewater system is a collection and conveyance system only. It does not include treatment; wastewater is conveyed to the regional Allegheny County Sanitary Sewer Authority for treatment.

Also on June 4, 2025, the Authority filed four Petitions in conjunction with its base rate filing: (1) a Petition for Authorization to Increase Water and Wastewater Distribution System Improvement Charge (DSIC) Caps to 7.5% (DSIC Petition), docketed at P-2025-3055650 (water) and P-2025-3055652 (wastewater); (2) a Petition for Consolidation of Water, Wastewater and Stormwater Rate Proceedings and for Authorization to Use Combined Water, Wastewater and Stormwater Revenue Requirements (Consolidation Petition); (3) a Petition for Waiver of Statutory Definition of Fully Projected Future Test Year (FPFTY Petition) docketed at P-2025-3055587 (water), P-2025-30555878 (wastewater), and P-2025-3055589 (stormwater); and (4) a Petition to Consolidate the DSIC Petition with Base Rate Filings for Water, Wastewater and Stormwater (DSIC Consolidation Petition).

On June 12, 2025, the Commission's Bureau of Investigation & Enforcement (I&E) filed a Notice of Appearance.

On June 12, 2025, the Office of Small Business Advocate (OSBA) filed its Notice of Appearance, and on June 25, 2025, OSBA filed its Formal Complaints, Notice of Intervention, and Public Statement. The Formal Complaints filed by OSBA are docketed as follows: C-2025-3056056 (water), C-2025-3056054 (wastewater), and C-2025-3056058 (stormwater).

Also on June 25, 2025, the Office of Consumer Advocate (OCA) filed Formal Complaints, Public Statement, and Notice of Appearance, and Pittsburgh United Out Water Table (Our Water Table or OWT) filed a Petition to Intervene and Answer. The Formal Complaints filed by OCSA are docketed as follows: C-2025-3055943 (water), C-2025-3055944 (wastewater), and C-2025-3055942 (stormwater).

On July 10, 2025, the Commission entered an Order pursuant to Section 1308(d) of the Public Utility Code in each of the three Rate Filing docket numbers, suspending each of PWSA's proposed Tariffs by operation of law until March 8, 2026; instituting an investigation to determine the lawfulness, justness, and reasonableness of the proposed and existing rates, rules, and regulations; and assigning the Rate Filing to the Office of Administrative Law Judge (OALJ) for the prompt scheduling of hearings as may be necessary culminating in the issuance of a recommended decision.

On July 10, 2025, the Telephonic Prehearing Conference Notice was issued in the Rate Filing, scheduling a Prehearing Conference for July 14, 2025, and the matter was assigned to the undersigned. Also on July 10, 2025, a Prehearing Conference Order was issued, which directed, *inter alia*, that parties file a Prehearing Memorandum by July 11, 2025.

On July 11, 2025, in accordance with the Prehearing Conference Order, Prehearing Memoranda were filed by PWSA, I&E, OCA, OSBA, and OWT.

On July 14, 2025, a Prehearing Conference was held as scheduled. The following parties were represented by counsel: PWSA, I&E, OCA, OSBA, and OWT. The parties discussed a variety of matters, including PWSA's FPFTY Petition, PWSA's DSIC Petition, and its Petitions to consolidate the FPFTY Petition and DSIC Petition with the Rate Filing. As of the date of the Prehearing Conference, the FPFTY Petition and DSIC Petition were assigned to other bureaus of the Commission, not OALJ. No party objected to consolidating the FPFTY Petition or DSIC Petition with the Rate Filing.

Therefore, after the Prehearing Conference, OALJ requested the FPFTY Petition and DSIC Petition be reassigned to OALJ, and they were reassigned on July 16, 2025.

In conjunction with the instant Order, we are issuing an Interim Order granting PWSA's FPFTY Petition.

The instant Order memorializes the matters discussed at the Prehearing Conference; grants the Authority's Consolidation Petition, consolidating the three R- dockets under Docket No. R-2025-3055010; grants the Authority's DSIC Consolidation Petition, consolidating Docket Nos. P-2025-3055650 (water) and P-2025-3055652 (wastewater) under R-2025-3055010; and consolidates the FPFTY Petition under R-2025-3055010.

Litigation Schedule

The parties agreed upon the following litigation schedule, which was adopted:

<u>Date</u>	<u>Event</u>
September 5, 2025	Written Direct Testimony of All Other Parties Due
September 30, 2025	Written Rebuttal Testimony Due
October 14, 2025	Written Surrebuttal Testimony Due
October 20, 2025 (by 4:00 pm)	Written Rejoinder Testimony or Outline; Witness Matrix, Master List of Proposed Exhibits Due to ALJs
October 21-23, 2025	In-Person Evidentiary Hearings and Oral Rejoinder in Pittsburgh
November 10, 2025	Main Briefs Due
November 21, 2025	Reply Briefs or Submission of Joint Settlement Petition Executed By Representatives of All Parties, Together With All Parties' Statements In Support of Settlement

NOTE: The parties agreed at the Prehearing Conference that they will serve work papers in *Microsoft Excel* format within three calendar days of service of testimony.

Evidentiary Hearings

Hearings will begin promptly at **10:00 a.m. on October 21, 2025**. The parties must confer before commencement of the hearings to schedule their witnesses so as to avoid “holes” or “dead time” during the hearings.

The parties are reminded of the Commission’s requirements for the preparation and filing of written testimony. 52 Pa.Code §§ 5.412 and 5.412a. Written testimony must be accompanied by all exhibits to which it relates. Technical terms and concepts are to be clearly defined and explained in the testimonies and briefs. **No written testimony will be admitted into evidence unless accompanied by a verification or affidavit of the witness.**

Parties serving prepared testimony in proceedings pending before the Commission pursuant to 52 Pa.Code § 5.412(f) shall be required, within thirty (30) days after the final hearing in an adjudicatory proceeding, to e-file with the Secretary's Bureau a copy of all testimony furnished to the court reporter during the proceeding consistent with 52 Pa.Code § 5.412a.

In addition, the following procedures were adopted at the Prehearing Conference:

1. Evidentiary hearing exhibits need not include all pre-served testimony which is circulated to the ALJs and parties in this proceeding in accordance with the above-referenced procedural schedule. However, such pre-served testimony may be identified for movement into the record at the hearing through an inventory of pre-served testimony which is provided as a hearing exhibit.

2. Evidentiary hearing exhibits may be provided to the ALJs and parties by 10:00 am the day before the start of evidentiary hearings with the exception of hearing exhibits related to rejoinder which may be provided by the end of the day that they are presented.

3. For evidentiary hearings conducted in-person, evidentiary hearing exhibits may be sent to the court reporter electronically. This is in the interest of the environment and saving ratepayers money from the expenditure of printing voluminous hard copies.

4. For evidentiary hearings conducted in-person, attorneys may submit requests to the ALJs five days before the start of the evidentiary hearings for permission for witnesses to appear telephonically. Parties should note that while the ALJs will consider such requests, the requests may not be granted.

Parties

At the Prehearing Conference, the Petition to Intervene filed by OWT was granted without objection.

As of the date of this Order, PWSA, OCA, OSBA, I&E, and OWT are the only parties involved in this case. The parties are directed to monitor filings with the Commission's Secretary's Bureau and advise the undersigned of any additional formal complaints or petitions to intervene filed after the date of this Order. A Service List of the parties is appended to this Order.

Service

All parties agreed to accept service by email. There is no need for parties to follow email service with service by First-Class Mail unless otherwise requested to do so.

The Presiding ALJs agree to accept email service from the parties and there is no need to follow email service by First-Class Mail unless otherwise directed to do so. The email addresses of the Presiding ALJs are edevoe@pa.gov and aquimby@pa.gov.

Further, if a party serves testimony, work papers, briefs, settlement petitions, or statements in support upon the Presiding ALJs, the party must also serve a copy upon the ALJs' technical advisors in this matter:

Bureau of Audits:

Chris Yother - chyother@pa.gov

Derek Vandervort - devandevor@pa.gov

Bureau of Technical Services:

Vanessa Johns - vanjohns@pa.gov

Bambi Reese - bamreese@pa.gov

Paul Zander - pzander@pa.gov

James Kennedy - jameskenne@pa.gov

Marlon Livingston - marlolivin@pa.gov

Consolidation

At the prehearing conference, the undersigneds granted PWSA's Consolidation Petition, consolidating the three R-dockets and associated rate complaints under Docket No. R-2025-3055010.

Further, this Order grants PWSA's DSIC Consolidation Petition, consolidating the matters at Docket Nos. P-2025-3055650 (water) and P-2025-3055652 (wastewater) with the Rate Filing under Docket No. R-2025-3055010.

This Order also consolidates the FPPTY Petition at Docket Nos. P-2025-3055587 (water), P-2025-3055588 (wastewater), and P-2025-3055589 (stormwater) with the Rate Filing under Docket No. R-2025-3055010.

Public Input Hearings

There will be four public input hearings held in this matter: two in-person and two by telephone. A Public Input Hearing Notice was issued on July 23, 2025, setting the dates, times, and locations of these hearings.

PWSA shall generate a notice of the Public Input Hearings that contains all relevant information as to date, time, location, and phone numbers and access codes, and must advertise the notice: (1) in the general readership section (not legal section) of at least one local newspaper within the service territory; (2) on its website; and (3) in social media posts which the Authority utilizes to advertise generally.

Further, the other parties involved in this proceeding, including OCA, shall review these public input announcements prior to their publication and distribution and have input into which publication the ads are placed.

Issues

In their respective prehearing memoranda, the parties identified various issues they may wish to pursue. The reader is directed to these documents to review a recitation of these issues. Additional issues may arise as the discovery process unfolds.

Discovery

The parties shall engage in informal discovery whenever and wherever possible in an attempt to resolve any discovery disputes amicably. 52 Pa.Code § 5.322. If this process fails, the parties have recourse to the Commission's procedures for formal discovery, as herein modified. 52 Pa.Code §§ 5.321, *et seq.* The parties must not send the Presiding ALJ discovery material or cover letters, unless attached to a motion to compel. **All motions to compel must contain a certification of counsel of the informal discovery undertaken and their efforts to resolve their discovery disputes informally.** If a motion to compel fails to contain such certification, the Presiding ALJ will contact the parties and direct them to pursue informal discovery.

At the prehearing conference, the parties agreed to modifications of the Commission's procedures for formal discovery, which were adopted and took effect immediately. With regard to any interrogatories or requests for admission outstanding as of the date of the prehearing conference, the parties were advised that those discovery requests were due no later than 10 calendar days from the date of the prehearing conference.

The following discovery rule modifications were agreed to by the parties:

- A. Answers to written interrogatories and requests for document production, entry for inspection, or other purposes shall be served in-hand within ten (10) calendar days of service.
- B. Objections to interrogatories and/or requests for production shall be communicated orally to the propounding party within three (3) calendar days of service

of the interrogatories; unresolved objections shall be served in writing to the propounding party within five (5) calendar days of service of the interrogatories and/or requests for production.

C. Motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within five (5) business days of service of written objections.

D. Answers to motions to dismiss objections and/or answering of interrogatories and/or requests for production shall be filed within three (3) business days of service of such motions.

E. Requests for admissions will be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service.

F. Answers to on-the-record data requests shall be served in-hand within five (5) calendar days of the requests.

G. Any discovery or discovery-related pleadings (such as objections, motions, and answers to same) served after served after 4:30 p.m. Monday through Thursday or after 1:30 p.m. on a Friday or the day before a holiday will be deemed to have been served on the next business day for purposes of calculating the due date for any responsive filing.

After rebuttal is served, the deadlines shall be reduced as follows:

A. Answers to interrogatories and responses to requests for document production, entry for inspection, or other purposes shall be served within five (5) calendar days of service of the interrogatories or requests for production.

B. Objections to interrogatories and/or requests for production shall be communicated orally to the propounding party within two (2) calendar days of service; unresolved objections shall be served on the propounding party in writing within three (3) calendar days of service of the interrogatories and/or requests for production.

C. Motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within three (3) business days of service of written objections.

D. Answers to motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within three (3) business days of service of such motions.

E. Requests for admission shall be deemed admitted unless answered or objected to within three (3) calendar days of service.

F. Discovery requests and discovery related pleadings (such as objections, motions, and answers to same) served after 4:30 p.m. Monday through Thursday or after 1:30 p.m. on a Friday or the day preceding a holiday shall be deemed to have been served on the next business day.

Protective Order

On July 11, 2025, PWSA filed a Motion for Protective Order in the above-captioned proceedings pursuant to the provisions of 52 Pa. Code §§ 5.362(a) and 5.365. In its Motion, PWSA averred that it consulted the other parties and incorporated feedback, and none of the parties expressed an objection to the granting of Petitioner's Motion or the entry of its proposed Protective Order.

The Protective Order was entered on July 16, 2025.

Settlement

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.

If the parties reach a full, unanimous settlement prior to the hearing and wish to request that the evidentiary hearing(s) be cancelled, they must notify the Presiding ALJs as soon as possible, but no later than **12:00 noon on October 20, 2025**. A request to cancel the hearings will only be granted if all parties waive cross examination. Alternatively, the parties may request the hearing convene on October 21, 2025 to give the parties an opportunity to move their evidence into the record. Testimonies and exhibits may be admitted into the record upon oral

motion or written stipulation, as long as the other parties waive cross-examination of the witness and an appropriate verification has been filed with the Commission's Secretary's Bureau.

A joint settlement petition, if any, must be executed by representatives of all parties, and, together with all parties' statements in support of settlement, must be filed with the Secretary's Bureau and received in-hand by the Presiding ALJs no later than **4:30 p.m. on November 21, 2025**. Any settlement petition must include stipulated findings of fact (either as part of the settlement petition or as part of a separately filed joint stipulation of fact), proposed conclusions of law, and proposed ordering paragraphs. Parties shall use a common outline and common abbreviations any statements in support.

Stipulations

If settlement is not feasible, the parties are encouraged to stipulate to any matters they reasonably can to expedite this proceeding, lessen the burden of time and expenses 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 must be reduced to writing, signed by the parties to be bound thereby, and moved into the record in this case either orally at an evidentiary hearing or through a motion filed with the Secretary's Bureau.

Cross-Examination

Friendly cross-examination or cumulative cross-examination during hearings will not be permitted. 52 Pa.Code §§ 5.76 & 5.243.

Briefs

The parties must comply with 52 Pa.Code §§ 5.501, *et seq.*, regarding the preparation and filing of briefs. Page limitations on briefs will be discussed on or before the last

day of hearing. The parties shall submit an electronic copy of all briefs to the Presiding ALJs in a *Microsoft Office Word* format.

Further, parties shall use a common outline and common abbreviations in their briefs.

Modification

Any of the provisions of this Prehearing Order may be modified upon motion and good cause shown by any party in interest.

Date: July 24, 2025

_____/s/
Emily I. DeVoe
Administrative Law Judge

_____/s/
Ann Quimby
Administrative Law Judge

R-2025-3055010, C-2025-3056056, C-2025-3055943 – PENNSYLVANIA PUBLIC UTILITY COMMISSION, OFFICE OF SMALL BUSINESS ADVOCATE, OFFICE OF CONSUMER ADVOCATE v. THE PITTSBURGH WATER AND SEWER AUTHORITY (WATER); R-2025-3055011, C-2025-3056054, C-2025-3055944 - PENNSYLVANIA PUBLIC UTILITY COMMISSION, OFFICE OF SMALL BUSINESS ADVOCATE, OFFICE OF CONSUMER ADVOCATE v. THE PITTSBURGH WATER AND SEWER AUTHORITY (WASTEWATER); R-2025-3055012, C-2025-3056058, C-2025-3055942 - PENNSYLVANIA PUBLIC UTILITY COMMISSION, OFFICE OF SMALL BUSINESS ADVOCATE, OFFICE OF CONSUMER ADVOCATE v. THE PITTSBURGH WATER AND SEWER AUTHORITY (STORMWATER); P-2025-305650 (WATER), P-2025-3055652 (WASTEWATER) PETITION OF THE PITTSBURGH WATER AND SEWER AUTHORITY FOR AUTHORIZATION TO INCREASE WATER AND WASTEWATER DSIC CHARGE CAPS TO 7.5%; P-2025-3055587 (WATER), P-2025-3055588 (WASTEWATER), P-2025-3055589 (STORMWATER)

DEANNE M O'DELL ESQUIRE
ECKERT SEAMANS CHERIN &
MELLOTT LLC
213 MARKET STREET 8TH FLOOR
HARRISBURG PA 17101
717.255.3744
dodell@eckertseamans.com
Served via eService – July 24, 2025
(Representing Pittsburgh Water & Sewage Authority)

STEVEN C GRAY ESQUIRE
REBECCA LYTTLE ESQUIRE
NAZAARAH SABREE
OFFICE OF SMALL BUSINESS
ADVOCATE
FORUM PLACE
555 WALNUT STREET 1ST FLOOR
HARRISBURG PA 17101
717.783.2525
717.783.2831
sgray@pa.gov
relyttle@pa.gov
ra-sba@pa.gov
Served via Email - July 24, 2025

SCOTT B GRANGER ESQUIRE
PA PUC BUREAU OF INVESTIGATION
& ENFORCEMENT
400 NORTH STREET
SECOND FLOOR WEST
HARRISBURG PA 17120
717.425.7593
sgranger@pa.gov
Served via eService – July 24, 2025

DARRYL A LAWRENCE
OFFICE OF CONSUMER ADVOCATE
FORUM PLACE
555 WALNUT STREET 5TH FLOOR
HARRISBURG PA 17101-1923
717.783.5048
dlawrence@paoca.org
Served via eService – July 24, 2025

JESSE EXILUS
CITY OF PITTSBURGH
414 GRANT STREET
SUITE 303
PITTSBURGH PA 15219
412.255.2010
jesse.exilus@pittsburghpa.gov
Served via eService and USPS First Class
Mail – July 24, 2025

MICHAEL PODSKOCH ESQUIRE
PA PUC BUREAU OF INVESTIGATION
& ENFORCEMENT
400 NORTH STREET
SECOND FLOOR WEST
HARRISBURG PA 17120
717.783.6151
mpodskoch@pa.gov
Served via eService - July 24, 2025

RIA PEREIRA ESQUIRE
LAUREN BERMAN ESQUIRE
JOHN SWEET ESQUIRE
PA UTILITY LAW PROJECT
118 LOCUST STREET
HARRISBURG PA 17101
717.710.3825
717.701.3837
pulp@pautilitylawproject.org
rpereira@pautilitylawproject.org
lberman@pautilitylawproject.org
jsweet@pautilitylawproject.org
Served via eService - July 24, 2025
(Representing Pittsburgh United Our Water Table)

DAN CLEARFIELD ESQUIRE
ECKERT SEAMANS CHERIN &
MELLOTT LLC
213 MARKET ST 8TH FL
HARRISBURG PA 17110
717.237.7173
dclearfield@eckertseamans.com
Served via eService - July 24, 2025
(Representing Pittsburgh Water & Sewage Authority)

LAUREN M BURGE ESQUIRE
ECKERT SEAMANS CHERIN &
MELLOTT LLC
600 GRANT STREET 44TH FLOOR
PITTSBURGH PA 15219
412.566.2146
lburge@eckertseamans.com
Served via eService – July 24, 2025
(Representing Pittsburgh Water & Sewage Authority)

CHRISTY APPLEBY ESQUIRE
HARRISON WILLIAM BREITMAN
ESQUIRE
DAVID EVRARD ESQUIRE
KATHERINE M KENNEDY ESQUIRE
OFFICE OF CONSUMER ADVOCATE
FORUM PLACE
555 WALNUT STREET 5TH FLOOR
HARRISBURG PA 17101-1923
717.783.5048
717.780.4536
717.780.4541
717.783.5048
cappleby@paoca.org
devrard@paoca.org
hbreitman@paoca.org
kkennedy@paoca.org
Served via eService – July 24, 2025

JESSICA BENHAM
PENNSYLVANIA HOUSE OF
REPRESENTATIVES 36TH LEGISLATIVE
DISTRICT
219 IRVIS OFFICE BUILDING
PO BOX 202036
HARRISBURG PA 17120
717.783.0411
repbenham@pahouse.net
Served via Email and USPS First Class Mail
– July 24, 2025