

COMMONWEALTH OF PENNSYLVANIA



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January 5, 2026

Via Electronic Filing

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Pennsylvania Public Utility Commission v.
Pittsburgh Water and Sewer Authority d/b/a
Pittsburgh Water
Docket No. R-2025-3055010 (Water)
R-2025-3055011 (Wastewater)
R-2025-3055012 (Storm Water)

Dear Secretary Homsher:

Attached for electronic filing please find the Office of Consumer Advocate's Reply Exceptions in the above-referenced proceeding.

Copies have been served on the parties as indicated on the enclosed Certificate of Service.

Respectively,

/s/ Katie Kennedy
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Enclosures

cc: Administrative Law Judge Emily I. DeVoe (Email: edevoe@pa.gov)
Administrative Law Judge Ann Quimby (Email: aquimby@pa.gov)
Office of Special Assistants (ra-OSA@pa.gov)
Certificate of Service

CERTIFICATE OF SERVICE

Pennsylvania Public Utility Commission :
 : Docket No. R-2025-3055010
 v. : R-2025-3055011
 : R-2025-3055012
 Pittsburgh Water and Sewer Authority :
 d/b/a Pittsburgh Water :

I hereby certify that I have this day filed electronically on the Commission's electronic filing system and served a true copy of the following documents, the Office of Consumer Advocate's Reply Exceptions, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below.

Dated this 5th day of January 2026.

SERVICE BY E-MAIL ONLY

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I. INTRODUCTION

The Pennsylvania Office of Consumer Advocate (OCA), as a party in the underlying proceeding, submits this Reply Exception to the Letter in Lieu of Exception filed by Pittsburgh Water and Sewer Authority (Pittsburgh Water, PW, or the Authority) on December 29, 2025, to the Recommended Decision (R.D.) of Administrative Law Judges Emily I. DeVoe (ALJ DeVoe) and Ann Quimby (ALJ Quimby), issued on December 19, 2025 (Letter). The OCA submits this Reply Exception to defend and protect the interests of consumers in Pittsburgh Water’s service territory.¹ The Pennsylvania Public Utility Commission (Commission), in reaching a final determination in this matter, must take such action with due consideration to the interest of consumers, consistent with its other statutory responsibilities.²

II. REPLY EXCEPTION

A. Reply to Pittsburgh Water’s Letter in lieu of Exception(s): Pittsburgh Water’s proposed modification to ALJ DeVoe and ALJ Quimby’s R.D, that being permission to place its rates into effect prior to the end of the suspension period, is prohibited by statute and should be denied.

In the R.D., ALJ DeVoe and ALJ Quimby recommended:

PWSA identified that it proposed to expand its existing PVC effective March 3, 2026, and that it is important to ensure that PWSA will be able to place its rates in effect prior to the end of the March 3, 2026, statutory suspension period. PWSA Statement in Support of Settlement, pp. 16, 76. However, proposed rates are suspended by operation of law until March 8, 2026, and it is recommended that proposed rates be permitted to become effective no sooner than March 8, 2026.³

In its Letter, Pittsburgh Water does not disagree with the other recommendations and modifications as proposed by ALJ DeVoe and ALJ Quimby in their R.D.⁴ It does, however, request that the Commission permit “Pittsburgh Water to place its rates into effect prior to the end of the

¹ 71 P.S. § 309-4(a).

² 71 P.S. § 309-5(2).

³ R.D. at 134, fn 533.

⁴ Pittsburgh Water’s Letter in Lieu of Exceptions, dated December 29, 2025, at p. 2.

suspension period.”⁵ The OCA recommends that the Commission adopt the recommendation of ALJ DeVoe and ALJ Quimby without modification, and deny Pittsburgh Water’s request to place its rates into effect prior to the end of the statutory suspension period.

The OCA respectfully submits that *Allegheny Ludlum Steel Corp. v. Pa. P.U.C.* is instructive here. *Allegheny Ludlum Steel Corp. v. Pa. P.U.C.*, 447 A.2d 675 (1982). In the *Allegheny Ludlum Steel Corp.* case, a steel company, among other things, challenged a power utility’s request for increased energy cost rate before the Commission. *Id.* at 683. While the underlying issue of the case focused on the constitutionality of Section 1307,⁶ the Commonwealth Court provided instructive dicta and rationale in its analysis. *See Id.* at 677-678. To that end, the Commonwealth Court explains:

It is well-settled that the PUC without notice or hearing may permit rates to become effective or suspend them pending decision concerning their lawfulness. The reason that no hearing is required on the initial question of the suspension is that the failure to suspend does not amount to commission approval and refunds are available if the increase is later held to be unjustified. **Of course, if the rates are suspended, the consumer does not have to pay them.** Thus, in either case the rights of the consumers are protected.

Id. at 680, *quoting* *City of Pittsburgh v. Pa. P.U.C.*, 423 A.2d 454, 457 (1980) (internal citations omitted, emphasis added). The Commonwealth Court explained that Pennsylvania courts have recognized the need for utility companies to increase rates must be weighed in accordance with customer protection, and that only after a final order is in place may rates be considered in effect. *Id.* at 680.

The Authority requested early implementation of its rates ahead of the expiration of the Suspension Order by and through its Statement in Support⁷ and Letter. However, the parties did

⁵ *Id.* at 1.

⁶ 66 Pa.C.S. § 1307.

⁷ PW Statement in Support of Settlement, pp. 16, 76.

not and did not agree to this provision in the Joint Petition for Settlement.⁸ The ALJs correctly decided that the “proposed rates be permitted to become effective no sooner than March 8, 2026.”⁹ The Authority’s attempt to further modify the Settlement through its Letter is inappropriate and should be denied.

The OCA also reviewed the Authority’s Statement in Support, whereby the Authority states “[w]hile the Commission used March 8, 2026 as the suspension date in its July 10, 2025 Orders based on the initially filed rate effective date of August 8, 2025 set forth in Pittsburgh Water’s proposed tariff supplements, the correct calculation based on the filing date of June 4, 2026 is March 3, 2026.”¹⁰ The OCA submits that this footnote does not “open the door” for Pittsburgh Water to recover rates before the end of the suspension period, and agrees with ALJ DeVoe and ALJ Quimby’s R.D. that the Authority is permitted to recover rates **at the end of the suspension period**, which ends on or about March 8, 2026.

Ultimately, the recommendation of ALJ DeVoe and ALJ Quimby sets forth a reasonable recommendation and clarity as to the end date for the statutory suspension period, and that the Authority’s proposed rates should thus become effective no sooner than March 8, 2026.

III. CONCLUSION

In the interest of consumers, and for the reasons discussed herein, the Pennsylvania Office of Consumer Advocate respectfully requests that the Public Utility Commission deny Pittsburgh Water’s proposed changes to the Recommended Decision of Administrative Law Judges Emily I. DeVoe and Ann Quimby and uphold the rates going into effect no sooner than March 8, 2026.

⁸ See generally OCA Statement in Support of Settlement.

⁹ R.D. at 134, fn 533.

¹⁰ PW Statement in Support of Settlement, p. 76 at fn 250.

Respectfully submitted,

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