



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

February 19, 2026

IN REPLY PLEASE
REFER TO OUR FILE

Docket No. A-2026-3059911
Utility Code 2328570

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RE: Application of the City of Pittston for approval, *nunc pro tunc*, of the right to begin to offer, render, furnish or supply wastewater service to the public in portions of Duryea and Hughestown Boroughs and Pittston Township, Luzerne County, Pennsylvania at Docket No. A-2026-3059911

Dear Attorneys Preate Havey, Ernst and Rodgers:

On January 16, 2026, the City of Pittston (Pittston) filed the above-captioned document (Application) 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 at the address listed below **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:

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

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 James Kennedy in the Water/Wastewater Section of the Bureau of Technical Utility Services via e-mail at jameskenne@pa.gov. Please also direct any questions to James Kennedy at telephone number (717) 783-3971. Thank you in advance for your cooperation.

Sincerely,



Matthew L. Homsher
Secretary

Enclosure: TUS Data Request Set 1

- cc: Darryl Lawrence, Office of Consumer Advocate (w/enclosure), ra-oca@paoca.org
- Harrison Breitman, Office of Consumer Advocate (w/enclosure), ra-oca@paoca.org
- NazAarah Sabree, Office of Small Business Advocate (w/enclosure), ra-sba@pa.gov
- Allison Kaster, Bureau of Investigation & Enforcement (w/enclosure), akaster@pa.gov
- Michael Podskoch, Bureau of Investigation & Enforcement (w/enclosure), mpodskoch@pa.gov
- Thomas Wyatt, Obermayer Rebmann Maxwell & Hippel LLP (w/enclosure), thomas.wyatt@obermayer.com
- Matthew Olesh, Obermayer Rebmann Maxwell & Hippel LLP (w/enclosure), matthew.olesh@obermayer.com
- Adeolu Bakare, McNees Wallace & Nurick LLC (w/enclosure), abakare@mwn.com
- E. Lee Stinnett II, Salzmann Hughes, PC (w/enclosure), lstinnett@salzmannhughes.com

TUS Data Request Set 1

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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.

- A-1. The Application's Exhibit E included a map (Requested Territory Map) of the City of Pittston's requested service territory and wastewater system (Pittston System) that appears to be missing the following required information: a bearings and distances description of the requested service territory's boundaries and the elevations of major facilities and service areas. Please provide a revised Requested Territory Map that includes all information required as per 52 Pa. Code § 3.513(a)(2)(i) and (iii).
- A-2. The Application's Sections 9 and 12 identified that nearby public wastewater systems include portions of the Duryea Borough, Hughestown Borough, and Pittston Township collection systems (the Duryea, Hughestown, and Township Systems, respectively) and the Wyoming Valley Sanitary Authority public wastewater system (WVSA System). Please provide a description of the Duryea System that includes all information required as per 52 Pa. Code § 3.513(a)(2)(iv).
- A-3. Please provide a description of the Hughestown System that includes all information required as per 52 Pa. Code § 3.513(a)(2)(iv).
- A-4. Please provide a description of the Township System that includes all information required as per 52 Pa. Code § 3.513(a)(2)(iv).
- A-5. Please provide a description of the WVSA System that includes all information required as per 52 Pa. Code § 3.513(a)(2)(iv).
- A-6. Please provide the original cost, by year and major plant category, of used and useful plant in service and related accrued depreciation calculations as per 52 Pa. Code § 3.513(a)(3)(ii)(A).
- A-7. Please provide copies of the valid certified operator's certificates for the Pittston System as per 52 Pa. Code § 3.513(a)(3)(ii)(C).
- A-8. Please provide a five-year Pennsylvania Department of Environmental Protection (DEP) compliance history for the City of Pittston with an explanation of each violation as per 52 Pa. Code § 3.513(a)(3)(ii)(D).
- A-9. Please provide evidence that the City of Pittston can provide adequate wastewater collection, conveyance, treatment and disposal capacity to meet present and future customer demands as per 52 Pa. Code § 3.513(a)(4).

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- A-10. Please provide the number of connections by customer class in the first year, fifth year and tenth year of proposed operations, as well as estimated gallons of wastewater treated in each of those years as per 52 Pa. Code § 3.513(a)(4)(ii).
- A-11. Please provide a copy of the City of Pittston's written notice to its customers indicating that the City of Pittston filed this Application and the proposed rates along with a verification statement confirming that notice has been provided as per 52 Pa. Code § 3.513(a)(5)(ii).
- A-12. The Application's Exhibit B included a statement of revenues and expenses that does not appear to include annual depreciation. Please provide the City of Pittston's projected first-year operating revenue, operation and maintenance expenses, annual depreciation and taxes under the City of Pittston's initial tariff as per 52 Pa. Code § 3.513(a)(6)(ii).
- A-13. Please identify each operator, certificated wastewater public utility, and municipally owned wastewater system as per 52 Pa. Code § 3.513(a)(7)(i)-(iii).
- A-14. Please identify each operator, certificated wastewater public utility, and municipally owned wastewater system identified in 52 Pa. Code § 3.513(a)(7)(i)-(iii) that has asserted a willingness or interest in serving the requested territory directly.
- A-15. Please demonstrate that, when considering both the cost of service and the quality of service, the customers in the requested territory would be better served by the City of Pittston than by another entity as per 52 Pa. Code § 3.513(a)(7)(iv).
- A-16. Please provide copies of any DEP water quality management (WQM) permits for the Pittston System, along with copies of the associated DEP permit approval letters as per 52 Pa. Code §§ 3.513(a)(9)(i) and (ii)(A).
- A-17. Please provide copies of WQM permits for the Duryea, Hughestown, and Township Systems, along with copies of the associated DEP permit approval letters.
- A-18. Please provide copies of letters from Duryea Borough, Hughestown Borough, and Pittston Township confirming whether the Application complies with the applicable Act 537 Plan documents for all affected municipalities relating to the acquired service territory, as required under Section 5 of the Pennsylvania Sewage Facilities Act (35 P.S. § 750.5) as per 52 Pa. Code § 3.513(a)(9)(ii)(B).
- A-19. Please provide copies of letters from Duryea, Hughestown, Township, and Luzerne County confirming whether the Application complies with any adopted county and municipal comprehensive plans and applicable zoning designations and ordinances as per 52 Pa. Code § 3.513(a)(9)(ii)(F).

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- A-20. As the Application's Exhibits C and D, the City of Pittston provided *pro forma* Wastewater Conveyance Agreements (Pro Forma Conveyance Agreements) between the City of Pittston and Hughestown and the City of Pittston and Duryea, respectively, outlining the terms of the City of Pittston's provision of wastewater service in Hughestown and Duryea. Please provide executed copies of agreements outlining the terms of the City of Pittston's provision of wastewater service in Hughestown and Duryea.
- A-21. The Application's Section 9 indicated that the City of Pittston allowed the Township System to connect to the Pittston System. Additionally, the Application included a copy of the Direct Testimony of David Hines on behalf of the City of Pittston, labeled as the City of Pittston Statement No. 1, which specified on Page 4 that the six residential customers in the Township directly connect to the City of Pittston-owned assets. Please provide responses for each of the following:
- a. Clarify the entity that owns and operates the Township System; and
 - b. If the Township owns or operates the Township System, provide executed copies of agreements outlining the terms of the City of Pittston's provision of wastewater service in the Township.
- A-22. The Pro Forma Conveyance Agreements Article VI, Section 4 references an appendix to the Agreement. However, the Pro Forma Conveyance Agreements did not include a copy of the appendix. Please provide a copy of the Pro Forma Conveyance Agreements' appendix.
- A-23. The Requested Territory Map includes portions of Hughestown and Duryea in which the City of Pittston does not appear to own any utility plant. Please explain how the City of Pittston will provide safe and reliable wastewater service to customers outside of the City of Pittston's municipal boundaries without either ownership of the assets providing service or an effective agreement between the City of Pittston and the owner of the wastewater assets used to serve customers in Hughestown and Duryea.
- A-24. The Pro Forma Conveyance Agreements do not appear to address future connections to the Hughestown and Duryea Systems. Please explain how the City of Pittston will accommodate a request for service from a bona fide service applicant in Hughestown or Duryea.
- A-25. Please provide a copy of a customer bill issued within the last six months for each type of customer in each separate municipality included in the requested territory (i.e., residential, non-residential, etc.).
- A-26. Please provide a copy of the City of Pittston's two most recently adopted budgets.

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- A-27. Please provide a copy of the City of Pittston's two most recent audited financial statements.
- A-28. Please provide a copy of the City of Pittston's most recent annual report filed with the Commonwealth's Department of Community and Economic Development.
- A-29. Please provide a breakdown of the sources of funds used to finance the construction of the Pittston System, including contributed property, any USDA Rural Development grants and loans, H2O PA grants, and PENNVEST loans.
- A-30. Please provide a copy of any studies or similar documents utilized by the City of Pittston to determine the City of Pittston's current tapping fees, including any components thereof (i.e., plumbing permit, inspection fee, etc.).
- A-31. Please explain how customers in the City of Pittston's requested territory receive water service (e.g., private on-lot wells, public water service, etc.).
- A-32. Please provide a copy of the City of Pittston's most recent Chapter 94 Municipal Wasteload Management Report submitted to DEP.
- A-33. Please provide a copy of the most recent Chapter 94 Municipal Wasteload Management Reports submitted to DEP for the Duryea, Hughestown, and Township Systems.
- A-34. Please provide evidence that the City of Pittston's agreements with WVSA provide the City of Pittston with adequate wastewater collection, conveyance, treatment, and disposal capacity to meet present and future customer demands.
- A-35. The Application's Section 20 included a link to WVSA's website, indicating that WVSA's Act 537 Plan documents could be found at that link. Please provide a copy of WVSA's Act 537 Plan documents.
- A-36. The Application's Section 20 indicated that in a DEP file review for the City of Pittston, several "legacy documents" were found. Please provide a copy of all the legacy documents.
- A-37. The Application's Section 32 specified that the City of Pittston requested that the Commission issue a Certificate, *nunc pro tunc*, pursuant to Section 1102(a)(1)(i) of the Pennsylvania Public Utility Code (Code), regarding applications for any public utility to begin to offer, render, furnish or supply service of a different nature or to a different territory than that authorized by a certificate of public convenience granted under The Public Service Company Law or the Public Utility Law. However, it does not appear that the City of Pittston has a certificate of public convenience. Please reconfirm the statutory provisions under which Commission authorization or permission is sought

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regarding the right to begin to offer, render, furnish or supply wastewater service to the public.

- A-38. The Application's Section 33 specified that the City of Pittston requested that the Commission issue Certificates of Filing or approvals for the Pro Forma Agreements and for the Service Agreement dated September 8, 1965, by and between the City of Pittston and WVSA (WVSA Agreement) pursuant to Section 507 of the Code, regarding certain contracts between a public utility and a municipal corporation. However, it is unclear whether any of the parties to the Pro Forma Agreements and the WVSA Agreement are a public utility, as defined by Section 102 of the Code. Please provide responses for each of the following:
- a. Clarify whether the Pro Forma Agreements and the WVSA Agreement are subject to Section 507 of the Code; and
 - b. If the Pro Forma Agreements and the WVSA Agreement are not subject to Section 507 of the Code, identify the statutory provisions under which Commission authorization or permission is sought regarding the Pro Forma Agreements and the WVSA Agreement.
- A-39. The Application's Exhibit A provided a copy of a Service Agreement dated September 8, 1965, by and between the City of Pittston and WVSA (WVSA Agreement). Recital D of the WVSA Agreement indicated that a special financial report on the project (Special Financial Report) was attached to the WVSA Agreement as Exhibit A. However, the Special Financial Report was not attached to the WVSA Agreement. Please provide a copy of the Special Financial Report.
- A-40. Part II, Section 3 of the WVSA Agreement indicated that the City of Pittston will offer no free service to any user of the system within the Municipality. Please confirm that the City of Pittston does not offer free service to any user of the system.
- A-41. Part II, Section 4.a. of the WVSA Agreement indicated that the City of Pittston will refuse to transport through any portion of its system which is connected to WVSA's facilities any sewage which emanates from users outside the City of Pittston, if the outside users or the municipality in which they are located are not parties to an agreement with WVSA. Please provide a copy of agreements between WVSA and Hughestown, Duryea and the Township.
- A-42. The Requested Territory Map appears to identify noncontiguous segments of Pittston System wastewater mains that terminate at or near the intersection of Gravity Street and Plank Street and the intersection of Chapel Street and North Main Street. Please explain these apparent discrepancies.