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August 27, 2019

**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265

Re: Julie Wasileski v. Pittsburgh Water and Sewer Authority;  
Docket No. C-2019-3012066 and F-2019-3012090

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Pittsburgh Water and Sewer Authority's Motion to Consolidate the above-referenced matters. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,



Carl R. Shultz

CRS/jls  
Enclosure

cc: Cert. of Service w/enc.

**CERTIFICATE OF SERVICE**


I hereby certify that this day I served a copy of the foregoing **Motion To Consolidate** upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

**Via First Class Mail**

**Julie Wasileski**  
190 Ridge Avenue  
Pittsburgh, PA 15237

Office of Administrative Law Judge  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
2nd Floor, L-M West  
400 North Street  
Harrisburg, PA 17120

Date: August 27, 2019

  
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Carl R. Shultz, Esquire  
Attorneys for  
The Pittsburgh Water and Sewer Authority

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Julie Wasileski, :  
Complainant : Docket No. C-2019-3012066  
v. :  
The Pittsburgh Water and Sewer Authority, :  
Respondent :

Julie Wasileski, :  
Complainant : Docket No. F-2019-3012090  
v. :  
The Pittsburgh Water and Sewer Authority, :  
Respondent :

**PITTSBURGH WATER AND SEWER AUTHORITY'S  
MOTION TO CONSOLIDATE**

TO CHIEF ADMINISTRATIVE LAW JUDGE CHARLES E. RAINEY, JR.:

Pursuant to Section 5.81 of the regulations of the Pennsylvania Public Utility Commission (“Commission”), 52 Pa. Code §5.81(a), the Pittsburgh Water and Sewer Authority (“Authority” or “PWSA”) hereby files this Motion to Consolidate the above-captioned matters on the basis that they involve the same issues of facts and law. Specifically, the dispute between Julie Wasileski (“Complainant”) and PWSA related to the Complainant receiving a large make-up (or catch-up) bill — for service rendered at 3023 Viola Street, Pittsburgh, PA 15214 (the “Premises”) — as a result of the failure to permit access to the meter and automatic remote reading device and for the effective installation of a remote reading device.

In support thereof, PWSA represents the following:

1. On August 7, 2019 and August 8, 2019, the Commission’s Secretary served Formal Complaints filed by Complainant on PWSA. The boxes checked in Paragraph 3 (Type of Service)

of each Complaint indicate **both** water and wastewater service. According to the Commission's Case Summary, the Complaint docketed at **F-2019-3012090** is related to wastewater service<sup>1</sup> and the Complaint docketed at **C-2019-3012066** is related to water service.<sup>2</sup>

2. The content of the Complaint docketed at **F-2019-3012090** is identical to the content of the Complaint at **C-2019-3012066**. The visible difference between these Complaints is the Complaint at **F-2019-3012090** contains a "header" referring to the date and time for a timely appeal from the prior decision by the Bureau of Consumer Services, and the Complaint at **C-2019-3012066** does not contain that "header."<sup>3</sup>

3. Separate timely Answers were filed by PWSA on August 27, 2019.

4. The dispute raised by both Complaints involves the receipt of a large make-up (or catch-up) bill as a result of the failure to permit access to the meter and automatic remote reading device and for the effective installation of a remote reading device.

5. Section 5.81(a) of the Commission's regulations states that "[t]he Commission or presiding officer, with or without motion, may order proceedings involving a common question of law or fact to be consolidated. The Commission or presiding officer [also] may make orders concerning the conduct of the proceeding as may avoid unnecessary costs or delay." 52 Pa.Code § 5.81(a).

6. Among the other considerations are: (a) whether additional issues exist that could cloud the determination of common issues; (b) whether consolidation will reduce litigation costs and decision-making for the parties and the Commission; (c) whether the issues in one proceeding

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<sup>1</sup> [http://www.puc.state.pa.us/about\\_puc/consolidated\\_case\\_view.aspx?Docket=F-2019-3012090](http://www.puc.state.pa.us/about_puc/consolidated_case_view.aspx?Docket=F-2019-3012090).

<sup>2</sup> [http://www.puc.state.pa.us/about\\_puc/consolidated\\_case\\_view.aspx?Docket=C-2019-3012066](http://www.puc.state.pa.us/about_puc/consolidated_case_view.aspx?Docket=C-2019-3012066).

<sup>3</sup> The Complaint at **C-2019-3012066** indicates (in Paragraph 7) that it is an appeal from a prior BCS decision.

go to the heart of an issue in the other proceeding; (d) whether consolidation will unduly protect a hearing or produce a disorderly or unwieldy record; (e) whether different statutory and legal issues are involved; (f) whether the party with the burden of proof differs in the proceedings; (7) whether consolidation will unduly delay the resolution of one of the proceedings; and (8) whether supporting data in both proceedings will be repetitive. *See PUC v. City of Lancaster Sewer Fund*, Docket No. R-2012-2310366, Second Prehearing Order Nov. 26, 2012 at p. 3-4 (“*Lancaster Sewer Fund Prehearing Order*”).<sup>4</sup> As stated in that order, no single consideration, nor group of these considerations, is dispositive of consolidation. Rather, all factors must be evaluated, and a balancing of those favoring and disfavoring consolidation is required. *Id.* at 3.

7. Both Complaints involve the same set of facts, including: (a) the provision of water and wastewater conveyance service by PWSA to the Premises; and (b) the accuracy of charges in the bills rendered to Complainant by PWSA for service rendered at the Premises.

8. Both Complaints involve the same legal issue concerning the responsibility of Complainant to pay for water services rendered by PWSA and wastewater conveyance services rendered by PWSA, and ALCOSAN charges billed by PWSA.

9. In addition to involving not only common, but exactly the same, questions or law and fact, a balancing of the other considerations referenced in the *Lancaster Sewer Fund Prehearing Order* support consolidation of these proceedings. Specifically, consolidation will reduce litigation costs and decision-making for the parties and the Commission; the issues in one proceeding go to the heart of the issues in the other proceeding; consolidation will produce an orderly record that can be used to adjudicate both complaints; the Complainant carries the burden

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<sup>4</sup> A copy of the *Lancaster Sewer Fund Prehearing Order* is available at: <http://www.puc.state.pa.us/pcdocs/1201043.docx>.

of proof in both proceedings; consolidation will not unduly delay the resolution of either proceeding; and the supporting data in both proceedings will be identical.

10. In summary, consolidating these proceedings for hearing and decision would promote judicial economy and conserve valuable resources of the parties and the Commission. Since the proceedings involve precisely the same issues of fact and law, no reason exists to have them litigated on separate paths.

WHEREFORE, on the basis of the foregoing, PWSA respectfully requests that the Office of Administrative Law Judge consolidate the Complaints at Docket Nos. **F-2019-3012090** and **C-2019-3012066**.

Respectfully submitted,



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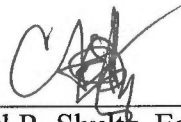
Eckert Seamans Cherin & Mellott, LLC  
213 Market St., 8th Fl.  
Harrisburg, PA 17101  
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Date: August 27, 2019

Attorneys for  
The Pittsburgh Water and Sewer Authority

## Verification

I, Carl R. Shultz state that I am an Attorney of Record for The Pittsburgh Water and Sewer Authority (“PWSA”) and that as such I am authorized to make this verification on its behalf. I hereby state that the facts contained in the foregoing **Motion** are true and correct (or are true and correct to the best of my knowledge, information and belief). I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.



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Carl R. Shultz, Esquire  
Attorney for  
The Pittsburgh Water and Sewer Authority