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April 21, 2020

Via Electronic Filing

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

Re: Ya Ping Wu a/k/a/ Mabel Wu v. Pittsburgh Water and Sewer Authority
Docket No. C-2020-3019392

Ya Ping Wu a/k/a/ Mabel Wu v. Pittsburgh Water and Sewer Authority
Docket No. C-2020-3019410

Dear Secretary Chiavetta:

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

Very truly yours,

/s/ Shannon F. Barkley

Shannon F. Barkley
Corporate Counsel for the Pittsburgh Water and Sewer Authority ("PWSA")

CERTIFICATE OF SERVICE

I, the undersigned, 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 Email Only (due to the current pandemic emergency)

David M. Tkacik, Esquire
Tkacik Law Office
9500 Brooktree Road, Suite 205
Wexford, PA 15090
dtkacik@tkaciklawoffice.com

Charles E. Rainey, Jr. Administrative Law Judge
crainey@pa.gov

Date: April 21, 2020

/s/ Shannon F. Barkley

Shannon F. Barkley, Esquire
Attorney for Pittsburgh Water and Sewer Authority

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|---|---|--|
| Ya Ping Wu a/k/a/ Mabel Wu, Complainant | : | |
| v. | : | |
| The Pittsburgh Water and Sewer Authority, Respondent | : | Docket No. C-2020-3019392 (water) |
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| | : | |
| | : | |
| Ya Ping Wu a/k/a/ Mabel Wu, Complainant | : | |
| v. | : | Docket No. C-2020-3019410 (wastewater) |
| The Pittsburgh Water and Sewer Authority, Respondent | : | |
| | : | |

NOTICE TO PLEAD

TO:

Ya Ping Wu a/k/a Mabel Wu
c/o Tkacik Law Office, P.C
722 Seth Drive
Cranberry Township, PA 16066
Dtkacik@tkaciklawoffice.com
Attorney for Complainant

You are hereby notified that an Answer to the enclosed **Motion to Consolidate** of The Pittsburgh Water and Sewer Authority (“Authority”) must be filed within 20 days of the date of service. All pleadings, such as an Answer to Motions to Consolidate, must be filed with the Secretary of the Pennsylvania Public Utility Commission with a copy served to counsel for the Authority and the Office of Administrative Law Judge.

File with:

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

With a copy to:

Shannon F. Barkley, Esquire
The Pittsburgh Water and Sewer Authority
1200 Penn Avenue
Pittsburgh, PA 15222
SBarkley@pgh2o.com

Lauren M. Burge, Esquire
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Pittsburgh, PA 15219
lburge@eckertseamans.com

/s/ Shannon F. Barkley

Shannon F. Barkley, Esquire
Attorneys for The Pittsburgh Water and Sewer
Authority

Date: April 21, 2020

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|---|---|--|
| Ya Ping Wu a/k/a/ Mabel Wu, Complainant | : | |
| | : | |
| v. | : | |
| | : | Docket No. C-2020-3019392 (water) |
| The Pittsburgh Water and Sewer Authority, Respondent | : | |
| | : | |
| | : | |
| Ya Ping Wu a/k/a/ Mabel Wu, Complainant | : | |
| | : | |
| v. | : | |
| | : | Docket No. C-2020-3019410 (wastewater) |
| The Pittsburgh Water and Sewer Authority, Respondent | : | |
| | : | |

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

Pursuant to 52 Pa. Code §5.81(a), The Pittsburgh Water and Sewer Authority (“PWSA”) submits this Motion to Consolidate the above-captioned matters. In support of this Motion, PWSA avers as follows:

1. On April 1, 2020, the Commission e-served to PWSA the Formal Complaint of Ya Ping Wu a/k/a/ Mabel Wu (“Complainant”) docketed at number C-2020-3019392.
2. The following day, on April 2, 2020, PWSA was e-served another Formal Complaint involving the same Complainant docketed at number C-2020-3019410.
3. Regarding the “Type of Utility Service” subject to the Formal Complaint, Complainant checked the boxes for “water” and “wastewater/sewer.” *See* Para. 3 of Formal Complaint.
4. PWSA provides both water and wastewater conveyance service to Complainant’s property and issues a single bill to Complainant for both public utility services.
5. The Formal Complaint objects to PWSA’s bills which contain charges for both water and wastewater conveyance services.

6. Notwithstanding that the same Formal Complaint has been assigned two separate docket numbers by the Commission, the Formal Complaint involves the same issues of facts and law related to PWSA's water and wastewater conveyance public utility services.

7. 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).

8. Other considerations in ruling on a consolidation include the following: (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 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 at 3-4 (Nov. 26, 2012) ("*Lancaster Sewer Fund Prehearing Order*"). 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.

9. As discussed above, though two separate dockets have been assigned by the Commission for this single Formal Complaint, the Formal Complaint involves the same set of facts and legal issues, including: (a) the provision of water and/or wastewater conveyance service by PWSA to

the same service address; (b) the accuracy of charges on the bills rendered to Complainant for water/wastewater conveyance services; and, (c) the ability of PWSA to issue make-up bills.

10. Additionally, 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 are the same notwithstanding the assignment of two separate docket numbers; consolidation will produce an orderly record; the Complainant carries the burden 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.

11. Consolidating these proceedings 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 at two separate dockets. As such, PWSA respectfully requests that the Office of Administrative Law Judge (“OALJ”) consolidate the Formal Complaint docketed at C-2020-3019392 and C-2020-3019410 into one proceeding.

WHEREFORE, The Pittsburgh Water and Sewer Authority respectfully requests that the Office of Administrative Law Judge (“OALJ”) consolidate the Formal Complaint docketed at C-2020-3019392 and C-2020-3019410 into one proceeding.

Respectfully submitted,

/s/ *Shannon F. Barkley*

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Attorneys for The Pittsburgh Water and Sewer
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