

**BEFORE THE PENNSYLVANIA UTILITY COMMISSION**

**JOHN MUSGRAVE IV**

**Complainant**

**v.**

**THE PITTSBURGH WATER AND SEWER AUTHORITY**

**Respondent**

**DOCKET NUMBER C-2020-3020714**

**REPLY TO  
PRELIMINARY OBJECTIONS**

**Counsel Of Record For This Party:**

**John K. Musgrave IV  
6059 Bunkerhill Street  
Pittsburgh, PA 15206  
(412)853-1666  
jmusky@earthlink.net**

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**AUG 20 2020**

**PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU**



## **B. The PUC has Jurisdiction to Decide Water Line Ownership Issues**

The Public Utility Code empowers the PUC to determine the value of PWSA's property (Section 505); to obtain property records from PWSA (Sections 506 and 1506); to require PWSA to establish, provide, and maintain property records showing the location of property (Section 1702); and to change unjust contracts between PWSA and any person (Section 508).

Section 3308 of the Public Utility Code states that destroying records can be punished by fines and/or imprisonment. PWSA appears to have altered a document which they used to determine the private versus public nature of the water line in question.

## **C. The PUC has Jurisdiction Over Water Quality Issues**

Section 1504(2) of the Public Utility Code grants the PUC the authority to prescribe standards for the measurement of the quality pertaining to the supply of service of a public utility. Section 1504(3) gives the PUC the power to create regulations for the testing of service. Section 1504(4) gives the PUC the power to create regulations to ensure the accuracy of measuring devices.

Section 1505(a) of the Public Utility Code states that when the PUC upon complaint finds the service or facilities of the public utility to be inadequate or unsafe, they may order the adequate and safe service or facilities to be furnished including repairs, alterations, extensions, and improvements that are reasonably necessary for the safety and convenience of the public.

Section 318(b) of the Public Utility Code permits the PUC to get assistance from the Pennsylvania Department of Environmental Protection or the federal Environmental Protection Agency concerning water quality questions and to incorporate that information into their own decisions.

Section 1501 of the Public Utility Code states that every public utility needs to provide adequate, efficient, safe, and reasonable service and facilities. The public utility is required to make all repairs, changes, extensions, and improvements to their service and facilities necessary for the convenience and safety of its customers. In addition, service needs to be without unreasonable interruptions. Lastly, the service and facilities need to comply with the orders of the PUC.

Section 1353 of the Public Utility Code gives the PUC the authority to establish a distribution system improvement charge to provide timely recovery of the costs incurred to repair, improve, or replace eligible property in order to ensure efficient, safe, reliable, and reasonable service. Section 1351(3) lists as eligible property (ii) Mains and valves installed as replacements for existing facilities that have worn out, are in deteriorated condition, or are required to be upgraded to meet under 52 Pa. Code Chapter 65 (relating to water service) and (iii) Main extensions installed to eliminate dead ends and to implement solutions to regional water supply problems that present a significant health and safety concern for customers currently receiving service from the water utility.

Not having enough chlorine in water that is to be used for drinking is a safety concern because bacteria can grow in poorly chlorinated water which can make a person ill when they drink such water.

Section 109.710 of the Pa. Code states that beginning April 29, 2019 a community water system that uses a chemical disinfectant must maintain a minimum disinfectant concentration throughout the distribution system of 0.2 mg/L. The residual disinfection concentration shall be measured as follows:

- (1) Free chlorine for systems using chlorine
- (2) Total chlorine for systems using chloramines
- (3) Both free chlorine and total chlorine for sampling locations in a mixing zone as identified in the monitoring plan
- (4) Both free chlorine and total chlorine when a system using chloramines is conducting a free chlorine burn

**D. The Complaint is Sufficient to Show that the Complainant is Entitled to the Requested Relief**

The complainant's residence at 6059 Bunkerhill Street, Pittsburgh, Pennsylvania 15206 has its own curb stop approximately 10 feet to the side of the house. PWSA Tariff Water – P.U.C. No.1, Part III, Section B.13.a. stipulates that Residential Property Owners whose properties are served by a Party Water Service Line must install separate services lines to each individual property. Each Customer shall have an individual Water Service Line and Meter of a size, type, location, and setting approved by the Authority. The cost of installation of the Water Service Line from the residence to the Curb Stop is the responsibility of the property Owner. Installation and the cost of installation of the Water Service Line from the Water Main to and including the Curb Stop is the responsibility of the Authority. Only the tapping fee (under Part III, Section G.2. of this Tariff regarding Line Extensions) will be imposed. All plans for installation of the Water Service Lines and the scheduling of such work is subject to the permitting process and the prior approval of the Authority.

PWSA Tariff Water – P.U.C. No.1, Part III, Section B.11 stipulates the rules of Connection to Authority's Mains. No connection shall be made to the Authority's main, nor detachment from it, except under the direction and control of the Authority. All such connections shall be the property of the Authority as shall be accessible to it and under its control. The Authority will furnish, install and maintain all service lines from the main to and including the curb stop and box.

The first 3 breaks on the party line were repaired by PWSA. For the subsequent 3 breaks on the party line, the homeowners had to hire their own plumber to repair the breaks. Section 1503 (b) of the Public Utility Code states that the public utility is required to personally contact the customer three days prior to a discontinuance of service in addition to a written notice of discontinuance of service. Personal contact means: (1) contacting the customer by means

other than writing; or (2) contacting another person whom the customer has designated to receive a copy of any notice of discontinuation; or (3) if the customer has not made such a designation, contacting a community interest group or other entity, including local police departments, which have previously agreed to receive a copy of the notice of disconnection and to attempt to contact the customer; or (4) if the customer has not made such a designation and no such community interest group or other entity has previously agree to receive a copy of the notice of disconnection, contacting the commission or such other local government unit as the commission shall, by rule or regulation, designate. PWSA did not contact the residence at 6059 Bunkerhill Street either in writing or in person that the service of repairing our party line was being discontinued. The complainant was informed by his neighbor, who he did not designate to be his leader, that PWSA said that they would no longer be repairing his party line.

## CONCLUSION

WHEREFORE, the Complainant respectfully requests this Commission (a) does not grant PWSA's preliminary objections; (b) allow the Complainant to reply to the **New Matter**; and (c) grant any other relief to the Complainant that is deemed to be reasonable and appropriate.

Respectfully submitted,

A handwritten signature in cursive script that reads "John K. Musgrave IV". The signature is written in black ink and is positioned above a solid horizontal line that extends across the width of the signature.

John K. Musgrave IV  
6059 Bunkerhill Street  
Pittsburgh, Pennsylvania 15206  
(412)853-1666  
[jmusky@earthlink.net](mailto:jmusky@earthlink.net)

Date: August 20, 2020

Pro Se Complainant

**CERTIFICATE OF SERVICE**

I hereby certify that I am this day serving the foregoing document upon the persons and in the manner indicated below, which service satisfies the requirements of 52 Pa. Code Section 1.54.

Dated this 20<sup>th</sup> day of August, 2020

John K. Musgrave IV

John K. Musgrave IV

Pro Se Complainant John K. Musgrave IV agrees to serve as Pro Se counsel for himself:

John K. Musgrave IV  
6059 Bunkerhill Street  
Pittsburgh, PA 15206  
(412)853-1666  
[jmusky@earthlink.net](mailto:jmusky@earthlink.net)

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SECRETARY'S BUREAU

Service by certified mail addressed as follows:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Service by certified mail addressed as follows:

Of counsel for  
Pittsburgh Water and Sewer Authority  
Lauren M. Burge, Esquire  
Eckert Seamans Cherin & Mellott, LLC  
600 Grant Street, 44<sup>th</sup> Floor  
Pittsburgh, PA 15219

Service by certified mail addressed as follows:

Of counsel for  
Pittsburgh Water and Sewer Authority  
Shannon F. Barkley, Esquire  
Penn Liberty Plaza I  
1200 Penn Avenue  
Pittsburgh, PA 15222

John Musgrave  
6059 Bunkerhill Street  
Pgh., PA 15206-1155



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Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265