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January 27, 2021

**Via Electronic Filing**

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

Re: Proventus Holdings, LLC v. The Pittsburgh Water and Sewer Authority  
Docket Nos. C-2020-3022592, C-2020-3023420, C-2020-3023421, C-2020-3023422,  
C-2020-3023423, C-2020-3023424, C-2020-3023425, C-2020-3023426,  
C-2020-3023427, C-2020-3023429, C-2020-3023430, C-2020-3023431, C-2020-  
3023433, C-2020-3023434, C-2020-3023435, C-2020-3023438, C-2020-3023439,  
C-2020-3023440, C-2020-3023442, C-2020-3023443, C-2020-3023444, and  
C-2020-3023445

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Dear Secretary Chiavetta:

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

Sincerely,

*/s/ Lauren M. Burge*

Lauren M. Burge

cc: Cert. of Service

## CERTIFICATE OF SERVICE

I hereby certify that this date I served a copy of PWSA's 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**

Proventus Holdings, LLC  
P.O. Box 58174  
Pittsburgh, PA 15209  
[kim@wgroupholdings.com](mailto:kim@wgroupholdings.com)

Hon. Charles E. Rainey, Jr.,  
Chief Administrative Law Judge  
PA Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
[bobbwillia@pa.gov](mailto:bobbwillia@pa.gov)

Dated: January 27, 2021

*Lauren M. Burge*

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Lauren M. Burge, Esq.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Proventus Holdings, LLC, Complainant : Docket No. C-2020-3022592  
v. : (631 Evergreen Avenue)

The Pittsburgh Water and Sewer Authority, :  
Respondent :

Proventus Holdings, LLC, Complainant : Docket No. C-2020-3023420  
v. : (402 Kirkpatrick Street)

The Pittsburgh Water and Sewer Authority, :  
Respondent :

Proventus Holdings, LLC, Complainant : Docket No. C-2020-3023421  
v. : (404 Kirkpatrick Street)

The Pittsburgh Water and Sewer Authority, :  
Respondent :

Proventus Holdings, LLC, Complainant : Docket No. C-2020-3023422  
v. : (406 Kirkpatrick Street)

The Pittsburgh Water and Sewer Authority, :  
Respondent :

Proventus Holdings, LLC, Complainant : Docket No. C-2020-3023423  
v. : (408 Kirkpatrick Street)

The Pittsburgh Water and Sewer Authority, :  
Respondent :

Proventus Holdings, LLC, Complainant : Docket No. C-2020-3023424  
v. : (410 Kirkpatrick Street)

The Pittsburgh Water and Sewer Authority, :  
Respondent :

Proventus Holdings, LLC, Complainant : Docket No. C-2020-3023425  
v. : (412 Kirkpatrick Street)

The Pittsburgh Water and Sewer Authority, :  
Respondent :

Proventus Holdings, LLC, Complainant  
v.  
The Pittsburgh Water and Sewer Authority,  
Respondent

Docket No. C-2020-3023426  
(414 Kirkpatrick Street)

Proventus Holdings, LLC, Complainant  
v.  
The Pittsburgh Water and Sewer Authority,  
Respondent

Docket No. C-2020-3023427  
(2202 LaPlace Street)

Proventus Holdings, LLC, Complainant  
v.  
The Pittsburgh Water and Sewer Authority,  
Respondent

Docket No. C-2020-3023429  
(2204 LaPlace Street)

Proventus Holdings, LLC, Complainant  
v.  
The Pittsburgh Water and Sewer Authority,  
Respondent

Docket No. C-2020-3023430  
(2206 LaPlace Street)

Proventus Holdings, LLC, Complainant  
v.  
The Pittsburgh Water and Sewer Authority,  
Respondent

Docket No. C-2020-3023431  
(2332 LaPlace Street)

Proventus Holdings, LLC, Complainant  
v.  
The Pittsburgh Water and Sewer Authority,  
Respondent

Docket No. C-2020-3023433  
(2340 LaPlace Street)



Proventus Holdings, LLC, Complainant	:	Docket No. C-2020-3023443
v.	:	(2343 Reed Street)
The Pittsburgh Water and Sewer Authority,	:	
Respondent	:	
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	:	Docket No. C-2020-3023444
Proventus Holdings, LLC, Complainant	:	(2347 Reed Street)
v.	:	
The Pittsburgh Water and Sewer Authority,	:	
Respondent	:	
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	:	Docket No. C-2020-3023445
Proventus Holdings, LLC, Complainant	:	(2345 Reed Street)
v.	:	
The Pittsburgh Water and Sewer Authority,	:	
Respondent	:	

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**NOTICE TO PLEAD**

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**TO:**

Proventus Holdings, LLC  
 PO Box 58174  
 Pittsburgh, PA 15209

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  
 Eckert Seamans Cherin & Mellott, LLC  
 600 Grant Street, 44th Floor  
 Pittsburgh, PA 15219  
 lburge@eckertseamans.com

Dated: January 27, 2021

/s/ Lauren M. Burge

Lauren M. Burge  
 Attorneys for The Pittsburgh Water and Sewer Authority

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Proventus Holdings, LLC, Complainant	:	Docket No. C-2020-3022592
v.	:	(631 Evergreen Avenue)
The Pittsburgh Water and Sewer Authority,	:	
Respondent	:	
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Proventus Holdings, LLC, Complainant	:	Docket No. C-2020-3023420
v.	:	(402 Kirkpatrick Street)
The Pittsburgh Water and Sewer Authority,	:	
Respondent	:	
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Proventus Holdings, LLC, Complainant	:	Docket No. C-2020-3023421
v.	:	(404 Kirkpatrick Street)
The Pittsburgh Water and Sewer Authority,	:	
Respondent	:	
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Proventus Holdings, LLC, Complainant	:	Docket No. C-2020-3023422
v.	:	(406 Kirkpatrick Street)
The Pittsburgh Water and Sewer Authority,	:	
Respondent	:	
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Proventus Holdings, LLC, Complainant	:	Docket No. C-2020-3023423
v.	:	(408 Kirkpatrick Street)
The Pittsburgh Water and Sewer Authority,	:	
Respondent	:	
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Proventus Holdings, LLC, Complainant	:	Docket No. C-2020-3023424
v.	:	(410 Kirkpatrick Street)
The Pittsburgh Water and Sewer Authority,	:	
Respondent	:	
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Proventus Holdings, LLC, Complainant : Docket No. C-2020-3023425  
v. : (412 Kirkpatrick Street)  
The Pittsburgh Water and Sewer Authority, :  
Respondent :

Proventus Holdings, LLC, Complainant : Docket No. C-2020-3023426  
v. : (414 Kirkpatrick Street)  
The Pittsburgh Water and Sewer Authority, :  
Respondent :

Proventus Holdings, LLC, Complainant : Docket No. C-2020-3023427  
v. : (2202 LaPlace Street)  
The Pittsburgh Water and Sewer Authority, :  
Respondent :

Proventus Holdings, LLC, Complainant : Docket No. C-2020-3023429  
v. : (2204 LaPlace Street)  
The Pittsburgh Water and Sewer Authority, :  
Respondent :

Proventus Holdings, LLC, Complainant : Docket No. C-2020-3023430  
v. : (2206 LaPlace Street)  
The Pittsburgh Water and Sewer Authority, :  
Respondent :

Proventus Holdings, LLC, Complainant : Docket No. C-2020-3023431  
v. : (2332 LaPlace Street)  
The Pittsburgh Water and Sewer Authority, :  
Respondent :

Proventus Holdings, LLC, Complainant : Docket No. C-2020-3023433  
v. : (2340 LaPlace Street)  
The Pittsburgh Water and Sewer Authority, :  
Respondent :

Proventus Holdings, LLC, Complainant : Docket No. C-2020-3023434  
v. : (2331 Reed Street)  
The Pittsburgh Water and Sewer Authority, :  
Respondent :

Proventus Holdings, LLC, Complainant : Docket No. C-2020-3023435  
v. : (2333 Reed Street)  
The Pittsburgh Water and Sewer Authority, :  
Respondent :

Proventus Holdings, LLC, Complainant : Docket No. C-2020-3023438  
v. : (2335 Reed Street)  
The Pittsburgh Water and Sewer Authority, :  
Respondent :

Proventus Holdings, LLC, Complainant : Docket No. C-2020-3023439  
v. : (2337 Reed Street)  
The Pittsburgh Water and Sewer Authority, :  
Respondent :

Proventus Holdings, LLC, Complainant : Docket No. C-2020-3023440  
v. : (2339 Reed Street)  
The Pittsburgh Water and Sewer Authority, :  
Respondent :

Proventus Holdings, LLC, Complainant : Docket No. C-2020-3023442  
v. : (2341 Reed Street)  
The Pittsburgh Water and Sewer Authority, :  
Respondent :

Proventus Holdings, LLC, Complainant : Docket No. C-2020-3023443  
v. : (2343 Reed Street)  
The Pittsburgh Water and Sewer Authority, :  
Respondent :

Proventus Holdings, LLC, Complainant	:	Docket No. C-2020-3023444
v.	:	(2347 Reed Street)
The Pittsburgh Water and Sewer Authority,	:	
Respondent	:	
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Proventus Holdings, LLC, Complainant	:	Docket No. C-2020-3023445
v.	:	(2345 Reed Street)
The Pittsburgh Water and Sewer Authority,	:	
Respondent	:	

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

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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 October 27, 2020, PWSA was served with the Formal Complaint of Proventus Holdings, LLC (“Complainant”) at Docket No. C-2020-3022592.

2. Subsequently, on December 24, 2020, the Commission e-served on PWSA twenty-one (21) additional Formal Complaints filed by the Complainant at Docket Nos. C-2020-3023420, C-2020-3023421, C-2020-3023422, C-2020-3023423, C-2020-3023424, C-2020-3023425, C-2020-3023426, C-2020-3023427, C-2020-3023429, C-2020-3023430, C-2020-3023431, C-2020-3023433, C-2020-3023434, C-2020-3023435, C-2020-3023438, C-2020-3023439, C-2020-3023440, C-2020-3023442, C-2020-3023443, C-2020-3023444 and C-2020-3023445.

3. The first Formal Complaint that was filed at C-2020-3022592 (631 Evergreen Avenue), pertains to a property that is owned by Proventus Holdings, LLC.

4. All of the remaining Formal Complaints at Docket Nos. C-2020-3023420, C-2020-3023421, C-2020-3023422, C-2020-3023423, C-2020-3023424, C-2020-3023425, C-2020-3023426, C-2020-3023427, C-2020-3023429, C-2020-3023430, C-2020-3023431, C-2020-

3023433, C-2020-3023434, C-2020-3023435, C-2020-3023438, C-2020-3023439, C-2020-3023440, C-2020-3023442, C-2020-3023443, C-2020-3023444 and C-2020-3023445 each relate to a rental property that is managed by the Complainant.

5. PWSA provides water and wastewater conveyance service to each of the Complainants' properties that are the subject of these Formal Complaints.

6. Each of the Formal Complaints makes similar generic allegations that there are incorrect charges and unjustified high bills associated with each respective property.

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 may make orders concerning the conduct of the proceedings 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 the presence of additional issues would cloud the determination of common issues; (b) whether consolidation will reduce the costs of litigation 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 protract the 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; (g) whether consolidation will unduly delay the resolution of one of the proceedings; and (h) 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, although twenty-two separate dockets have been assigned to these Formal Complaints, the Formal Complaints involve the same legal issues and substantially similar facts, including that each Formal Complaint makes the same generic allegations that there are incorrect charges and unjustified high bills associated with each respective property.

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 the costs of litigation and decision-making for the parties and the Commission; consolidation will produce an orderly record and a consistent outcome; the Complainant carries the burden of proof in each of the twenty-two proceedings; consolidation will not unduly delay the resolution of any of the proceedings; and, the supporting data in each of the proceedings will be substantially the same.

11. Consolidating these proceedings would promote judicial economy and conserve valuable resources of the parties and the Commission. Since the proceedings involve substantially similar issues of fact and law, no reason exists to have them litigated on separate paths at twenty-two separate dockets. As such, PWSA respectfully requests that the Office of Administrative Law Judge (“OALJ”) consolidate the Formal Complaints docketed at: C-2020-3022592, C-2020-3023420, C-2020-3023421, C-2020-3023422, C-2020-3023423, C-2020-3023424, C-2020-3023425, C-2020-3023426, C-2020-3023427, C-2020-3023429, C-2020-3023430, C-2020-3023431, C-2020-3023433, C-2020-3023434, C-2020-3023435, C-2020-3023438, C-2020-3023439, C-2020-3023440, C-2020-3023442, C-2020-3023443, C-2020-3023444 and C-2020-3023445 into one proceeding.

12. PWSA has answered many of the above referenced Formal Complaints that were filed by Proventus Holdings, LLC. PWSA will be filing Preliminary Objections to these Formal Complaints and will not file additional Answers until further direction is received from the Commission regarding the Preliminary Objections and/or this Motion to Consolidate.

**WHEREFORE,** The Pittsburgh Water and Sewer Authority respectfully requests that the Office of Administrative Law Judge (“OALJ”) consolidate the twenty-two above Formal Complaints that were filed against The Pittsburgh Water and Sewer Authority by Proventus Holdings, LCC into one proceeding.

Respectfully submitted,

*/s/ Lauren M. Burge*

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January 27, 2021

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