

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PROVENTUS HOLDINGS, LLC,

(Consolidated)

Complainant

v.

THE PITTSBURGH WATER AND SEWER
AUTHORITY,

Respondent

Docket No. C-2020-3022592
Docket No. C-2020-3023420
Docket No. C-2020-3023421
Docket No. C-2020-3023422
Docket No. C-2020-3023423
Docket No. C-2020-3023424
Docket No. C-2020-3023425
Docket No. C-2020-3023426
Docket No. C-2020-3023427
Docket No. C-2020-3023429
Docket No. C-2020-3023430
Docket No. C-2020-3023431
Docket No. C-2020-3023433
Docket No. C-2020-3023434
Docket No. C-2020-3023435
Docket No. C-2020-3023438
Docket No. C-2020-3023439
Docket No. C-2020-3023440
Docket No. C-2020-3023442
Docket No. C-2020-3023443
Docket No. C-2020-3023444
Docket No. C-2020-3023445

**COMPLAINANT’S ANSWER TO
PRELIMINARY OBJECTIONS TO AMENDED COMPLAINTS**

NOW COMES the Complainant, PROVENTUS HOLDINGS, LLC, by and through its undersigned counsel, and responds to the PWSA’s Preliminary Objections to Amended Complaints as follows:

1-3. Paragraphs 1-3 of the Preliminary Objections are admitted.

4. Paragraph 4 is denied in part. Specifically, it is denied that the Amended Complaints provide only a “general timeframe for the disputed bills.” To the contrary, Complainant has alleged that the specific period during which there were excessive charges at each address is August 1, 2019 through

August 31, 2020. This specific timeframe was provided in response to the Administrative Law Judge's ruling that "the Complainant should identify at a minimum the period during which it is alleged that there were incorrect charges at each address." (Order dated May 5, 2021 @ p. 5).

5. Paragraph 5 is denied, as the PWSA is fully aware of the problems it encountered with faulty meters and/or inaccurate meter readings at the subject properties and other properties in the vicinity.¹ PWSA most assuredly has sufficient information to enable it to prepare its defenses to the Complaints.

6. The allegations contained in Section II.A. of the Preliminary Objections are statements of law for which no response is required.

7. The allegation in Section II. B., paragraph 9 is likewise a statement of law for which no response is required.

8. Section II. B, paragraph 10 is denied in part. Specifically, it is denied that "it defies credulity that every one of Complainant's properties have the same incorrect charges and high bills." It should be noted that each of the subject accounts concerns a separately-metered rental unit in a Section 8 housing project which consists of 3 separate buildings on 2 contiguous parcels of property in the City of Pittsburgh. As stated above, PWSA is fully aware of the problems encountered with faulty meters and/or inaccurate meter readings with regard to the entirety of this property.

9. Paragraph 11 of Section II.B is admitted. By way of further response, the Complainant has now provided the specific time period in which the excessive billings were received, thus complying with the Interim Order.

¹ As the P.U.C. is aware, multiple lawsuits have been filed against PWSA relating to these problems and the resultant overcharging

10. Paragraph 12 of Section II.B is denied for the reasons hereinbefore stated. The time period is the same for each account because they are all part of the same group of properties for which defective metering was a problem.

11. Paragraphs 13 and 14 of Section II.B are statements of law for which no response is required.

12. Paragraph 15 of Section II.B is denied. As noted by the Administrative Law Judge, “the (PWSA) alone possesses much of the information regarding charges and billing.” (Order dated 5/5/21 @ p.5). While the Complainant knows that the billings in question were excessive, it does not yet know the precise amount of overbilling until such time as it is able to review the PWSA’s records for the period in question. The necessary information being in the possession of the Respondent, it may not complain about the lack of specificity in the (Amended) Complaints. See, Paz v. Com. Dept. of Corrections, 580 A.2d 452, 456 (Pa. Cmwlth. 1990).²

13. Paragraph 16 of Section II.B is admitted.

WHEREFORE, the Complainant requests that the Preliminary Objections to Amended Complaints be denied.

Respectfully submitted,

/s/ John D. Eddy

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² The fact that the PWSA has answered many of the Complaints demonstrates that it has sufficient information to enable it to prepare its defenses to the remaining unanswered Complaints.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Answer to Preliminary Objections to Amended Complaint was served upon counsel for the Authority this 11th day of June, 2021 by regular U.S. Mail, addressed as follows:

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/s/ John D. Eddy

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