

Karen O. Moury  
717.237.6036  
kmoury@eckertseamans.com

September 23, 2021

**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

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 (consolidated)

---

Dear Secretary Chiavetta:

Enclosed for electronic filing please find a Motion to Compel on behalf of The Pittsburgh Water and Sewer Authority with regard to the above-referenced matters. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,

*/s/ Karen O. Moury*

Karen O. Moury

cc: Cert. of Service

**CERTIFICATE OF SERVICE**

I hereby certify that this date I served a copy of PWSA's Motion to Compel upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

**Via Email Only**

John D. Eddy, Esq.  
Eddy Townsend Gravina & Bendik  
Attorneys at Law  
Manor Building Penthouse  
564 Forbes Avenue  
Pittsburgh, PA 15219  
eddy@pghlaw.com

Hon. Darlene Heep  
Administrative Law Judge  
PA Public Utility Commission  
Suite 4063  
801 Market Street  
Philadelphia, PA 19107  
dheep@pa.gov  
sdelvillar@pa.gov

Dated: September 23, 2021

*Karen O. Moury*

\_\_\_\_\_  
Karen O. Moury, Esq.

## CERTIFICATE OF SERVICE

I hereby certify that this date I served a copy of PWSA's Motion to Compel upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

### **Via Email Only**

John D. Eddy, Esq.  
Eddy Townsend Gravina & Bendik  
Attorneys at Law  
Manor Building Penthouse  
564 Forbes Avenue  
Pittsburgh, PA 15219  
eddy@pghlaw.com

Hon. Darlene Heep  
Administrative Law Judge  
PA Public Utility Commission  
Suite 4063  
801 Market Street  
Philadelphia, PA 19107  
dheep@pa.gov  
sdelvillar@pa.gov

Dated: September 23, 2021

*Karen O. Moury*

\_\_\_\_\_  
Karen O. Moury, Esq.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PROVENTUS HOLDINGS, LLC	:	<i>(Consolidated)</i>
	:	Docket No. C-2020-3022592
	:	Docket No. C-2020-3023420
Complainant	:	Docket No. C-2020-3023421
v.	:	Docket No. C-2020-3023422
	:	Docket No. C-2020-3023423
THE PITTSBURGH WATER AND SEWER	:	Docket No. C-2020-3023424
AUTHORITY,	:	Docket No. C-2020-3023425
Respondent	:	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

---

**MOTION TO COMPEL OF THE PITTSBURGH WATER AND SEWER AUTHORITY**

---

To the Honorable Administrative Law Judge Darlene Heep:

Pursuant to 52 Pa. Code Section 5.342, the Pittsburgh Water and Sewer Authority (“PWSA” or the “Authority”) hereby respectfully requests that Administrative Law Judge (“ALJ”) Darlene Heep grant this Motion to Compel and order Proventus Holdings, LLC (“Proventus” or “Complainant”) to reply to PWSA’s Interrogatories and Requests for Production of Documents, Set I (“Interrogatories”), served on July 22, 2021 in the above-referenced consolidated proceedings. Proventus did not file Objections to the Interrogatories and, through its counsel,

Proventus communicated with PWSA's counsel prior to the response due date that responses would be delayed due to a family medical emergency. The parties subsequently requested a continuance of the hearing scheduled for September 8 and 9, 2021 since responses had not yet been served. ALJ Heep continued the hearings, which are now scheduled for October 26 and 27, 2021. PWSA has still not received responses to its Interrogatories and inquired with Proventus' counsel via electronic email on September 20, 2021 regarding the status of the responses, noting the Authority's intention to file a Motion to Compel this week, given the impending hearings. As of this date, PWSA has received no response to that inquiry. Particularly given the lack of detail in Proventus' Amended Complaints about its dispute with PWSA, the responses to the Interrogatories are a critical element of PWSA's hearing preparations to defend the allegations in the Amended Complaints. In support of its Motion, PWSA sets forth the following:

#### **I. INTRODUCTION**

On October 27, 2020, the Commission served on PWSA a Formal Complaint ("Complaint") filed by Proventus, alleging that there are "incorrect charges" on the bills and that the bills are "extremely high." Proventus thereafter filed nearly identical Complaints for twenty-one (21) separate properties, which were served on PWSA on December 24, 2020. These Complaints alleged that there are "incorrect charges" on the bills, and the Complainant requested to pay as little as possible toward the high consumption bills. The Complaints did not specify which charges the Complainant believed to be incorrect for each property or identify the specific bills in question.

On January 27, 2021, PWSA filed Preliminary Objections seeking dismissal of the Complaints on the grounds that they lacked sufficient specificity. By Interim Order issued on May 5, 2021, ALJ Heep sustained PWSA's Preliminary Objections and dismissed the Complaints if the

Complainant did not file Amended Complaints within 20 days. On May 25, 2021, the Complainant filed Amended Complaints providing a general timeframe for the disputed bills, which spans August 1, 2019 through August 30, 2020. However, the Complainant still did not identify specific bills on which it claims that incorrect charges appear or explain the basis for the disputes. On June 7, 2021, PWSA filed Preliminary Objections to the Amended Complaints, contending that the Complainant had still not sufficiently alleged specificity to enable PWSA to prepare a defense.

While PWSA's Preliminary Objections to the Amended Complaint were pending, the ALJ issued a Prehearing Order on June 8, 2021. In that Order, ALJ Heep directed that discovery be completed no later than 14 days before the hearing. At that time, hearings were scheduled for September 8 and 9, 2021, meaning that discovery needed to be completed by on or around August 24, 2021. This Order further required the parties to orally communicate objections to interrogatories within three days of service and established timeframes for moving to dismiss objections and responding to such motions. The Prehearing Order also directed the parties to meet in an attempt to resolve any discovery issues prior to the filing of a motion to compel.

By Order dated June 25, 2021, ALJ Heep denied PWSA's Preliminary Objections filed on June 7, 2021. In this Order, ALJ Heep found that the Complainant has provided a specific time frame in which it alleges that the PWSA bills are questionable and that PWSA possesses more information about the accounts at issue than the Complainant. The Order further noted that PWSA has access to the tools of discovery.

On July 15, 2021, PWSA filed an Answer to the Amended Complaints. Further, on July 16, 2021, PWSA served responses to Proventus' Interrogatories and Requests for Production of Documents.

Thereafter, on July 22, 2021, PWSA served Interrogatories on Proventus, which are attached to this Motion as Appendix A. Proventus conveyed no objections to the Interrogatories within three days of service or at any time since then. To the contrary, Proventus indicated an intent to provide responses, albeit on a delayed basis. Given the 20-day response period in the Commission's regulations, the Proventus responses were due by August 12, 2021.<sup>1</sup> Prior to that date, on August 10, 2021, Proventus' counsel informed PWSA's counsel that Proventus would need additional time to furnish responses to the Interrogatories due to a family medical emergency. On August 16, 2021, PWSA's counsel communicated with Proventus' counsel about requesting a continuance of the hearings scheduled for September 8-9, 2021. The parties agreed to jointly request such continuance, which ALJ Heep granted. The hearings were rescheduled to October 26-27, 2021.

As of September 20, 2021, PWSA had not received Proventus' responses to its Interrogatories and inquired with Proventus' counsel via electronic mail about their status. In this communication, PWSA's counsel explained that the responses are necessary for both hearing preparation and the formulation of a settlement position. In that communication, PWSA conveyed its intent to file a Motion to Compel if responses were not forthcoming. To date, PWSA has not received a response to the September 20, 2021 email. Given the time that Proventus has to respond to the Motion to Compel and the time that the ALJ has to rule on the Motion to Compel under the regulations,<sup>2</sup> PWSA has no choice but to file this Motion in an attempt to timely obtain the information it needs to defend the allegations in the Complaint. Moreover, in view of the sheer volume of Complaints and varying details about the facts of each account, PWSA needs adequate

---

<sup>1</sup> 52 Pa. Code § 5.342(d).

<sup>2</sup> 52 Pa. Code § 5.432(g).

time after receipt of the responses to consider whether this matter may be amicably resolved without the need for a hearing.

By this Motion to Compel, PWSA is respectfully requesting the issuance of an Order directing Proventus to provide responses to the Authority's Interrogatories, Set I, by a date certain that allows PWSA sufficient time to adequately and efficiently prepare for the hearings.<sup>3</sup> Since ALJ Heep has until October 8, 2021 under the Commission's regulations to rule on this Motion to Compel, it is PWSA's hope that this dispute can be resolved much sooner so that responses are received and meaningful settlement discussions can be held. If that does not occur, PWSA respectfully requests that ALJ Heep direct the service of discovery responses by Proventus no later than October 12, 2021. That would give PWSA one week prior to the service of hearing exhibits and two weeks prior to the hearings after receipt of the responses. PWSA is not interested in any further delay of this proceeding given that it has been pending for nearly one year, during which time Proventus has declined to pay the disputed amounts, as well as undisputed amounts.

## **II. LEGAL STANDARD**

Even though Proventus has not objected to PWSA's Interrogatories, the burden is on the party objecting to discovery to establish that the information requested is not relevant or discoverable. *See Petition of the Borough of Cornwall for a Declaratory Order that the Provision of Water Service to Isolated Customers Adjoining its Boundaries Does Not Constitute Provision of Public Utility Service Under 66 Pa.C.S. § 102*, Docket No. P-2015-2476211, (Order issued September 11, 2015) citing *Koken v. One Beacon Insurance Company*, 911 A.2d 1021, 1025 (Pa.

---

<sup>3</sup> PWSA is aware that it could have filed a Motion for Sanctions under 52 Pa. Code §§ 5.371-5.372 for the failure of Proventus to file objections or otherwise respond to discovery requests. However, PWSA is presenting the Motion to Compel in an effort to timely obtain responses to the pending requests so that this matter can proceed to hearing. In addition, PWSA waited as long as possible before filing the Motion to Compel so as to accommodate the Complainant.

Commw. Ct. 2006). Relevancy depends upon the nature and facts of the individual case, and any doubts are to be resolved in favor of relevancy and permitting discovery. For information to be relevant it must either tend to establish a material fact, tend to make a fact at issue more or less probable, or support a reasonable inference or presumptions regarding a material fact. *Id.*

Section 5.321(c) of the Commission's regulations specifically provides that "a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action." 52 Pa. Code Section 5.321(c). Discovery is permitted regardless of whether the information sought "relates to the claim or defense of the party seeking discovery or to the claim or defense of another party or participant." *Id.* Information may be discoverable, even if it would be inadmissible at a hearing. "It is not grounds for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence." *Id.*

The Commission has held that, "[t]he touchstone as to a discoverable matter under the Commission's Regulations is that it be relevant to the subject matter involved in the pending action, or reasonably calculated to lead to the discovery of admissible evidence, and not privileged." *Rahn et al. v. Pennsylvania-American Water Co.*, Docket No. C-20054919 (June 6, 2006 Order Granting Motion To Compel); *see also, J3 Energy Group, Inc. v. West Penn Power Company and UGI Development Company, Indispensable Party*, 2014 Pa. PUC LEXIS 406 (Pa. PUC 2014), Docket No. C-2011-2219920 Order Denying Motion to Compel at \*7 (August 21, 2014) (finding that "The material sought to be discovered need not be admissible. Rather, it must be reasonably expected to lead to the discovery of admissible evidence.") Consistently, the Commission has allowed participants wide latitude in discovery matters. *Application of Nabil Nasr and Wael Hafez*, 2012 Pa. PUC LEXIS 1849 (Pa. PUC 2012), A-2012-2295813, Initial Decision Dismissing Application

at \*12 (November 28, 2012); *Pa. P.U.C. v. The Peoples Natural Gas Company*, 62 Pa. P.U.C. 56 (August 26, 1986); and *Pa. P.U.C. v. Equitable Gas Company*, 61 Pa. P.U.C. 468 (May 16, 1986).

The Commission has stated that the relevancy test should be liberally applied when considering data requests. *Pa. P.U.C. v. Equitable Gas Co.*, 61 Pa. P.U.C. at 477. The scope of discovery includes information that relates to any arguments that the party may present in support of their positions in this proceeding. The information sought here is discoverable under the Commission's regulations, and is required to be provided to the PWSA pursuant to applicable discovery rules.

### **III. MOTION TO COMPEL**

PWSA's Interrogatories are designed to enable the Authority to know: (i) the specific bills over a 13-month time frame that Proventus disputes for each of the accounts; (ii) the specific charges that it believes are incorrect; and (iii) the basis for those allegations. PWSA needs these details to adequately and efficiently prepare for the upcoming hearings that are scheduled on October 26-27, 2021 for the purpose of Proventus proving its allegations and PWSA defending against same. The lack of detail that PWSA currently has about the disputes is illustrated in the Authority's Answer to the Amended Complaints filed on July 15, 2021. For example, regarding 2204 LaPlace Street, the Answer notes that no high usage occurred on this account from August 1, 2019 to August 30, 2020.<sup>4</sup> The same is true with respect to the account associated with 2335 Reed Street.<sup>5</sup> Given that the only allegations in the original Complaint about these accounts were that the bills were too high, PWSA is unable to determine what the Complainant's dispute is. Similarly, for other properties during the time frame identified by the Amended Complaints,

---

<sup>4</sup> Answer, ¶ 5(d).

<sup>5</sup> Answer, ¶5(s).

PWSA's records show that consumption levels were somewhat elevated during one month<sup>6</sup> or that high usage occurred over a period of two or three months.<sup>7</sup> It is imperative that PWSA know if the Complainant is only disputing those bills and what evidence it has to show that the meter was malfunctioning, and then remedied itself, as opposed to a leak occurring at the property.

Prior to the filing of the original and Amended Complaints, the Complainant had not disputed the consumption levels. Rather, Proventus had previously invoked a series of other protections available to avoid termination of service for non-payment, including entering into payment arrangements, making partial payments and the filing of informal complaints. Proventus has now resorted to using the formal complaint process so that the properties continue to receive utility service from PWSA without paying their bills. Given that Proventus has the burden of proof, it is incumbent upon the Complainant to respond to PWSA's discovery requests so that the Authority is able to adequately and efficiently defend the Amended Complaints. PWSA's other customers, the only source of revenue PWSA has since it does not have shareholders, should not be expected to shoulder the burden of paying the utility bills for these rental properties.

Each of PWSA's Interrogatories is relevant to the allegations raised by the Amended Complaints. Specifically, PWSA has requested that Proventus identify the specific bills by month and year on which Proventus alleges that incorrect charges appeared. PWSA has further requested that for each of these bills, Proventus identify the amount of the alleged incorrect charges and the basis for the allegation. PWSA Interrogatories, I-1. Further, PWSA has referred to Account Histories that it provided in response to Proventus discovery for the timeframe in question and has asked Proventus to confirm a series of consumption ranges during that time period. PWSA Interrogatories I-2. In addition, PWSA has asked for Proventus' theory as to how meters would

---

<sup>6</sup> Answer, ¶ 5(m).

<sup>7</sup> Answer, ¶ 5(p).

not function properly in certain months but would rectify themselves without being repaired or replaced. PWSA Interrogatories I-3. PWSA's Interrogatories also seek to gain information about the tenants who occupied the properties and plumbing repair bills for the time in question. PWSA Interrogatories I-4, 5. Other PWSA Interrogatories request information about the evidence Proventus plans to introduce to refute PWSA's meter testing results and to identify the instances when Proventus raised a dispute about consumption levels prior to the filing of the Complaints. PWSA Interrogatories, I-6, 7. The PWSA Interrogatories further seek information about payment arrangements, late fees and termination notices for non-payment. PWSA Interrogatories, I-8, 9, 10. Additionally, PWSA's Interrogatories ask why Proventus should not be responsible for paying the bills so that other customers must shoulder this burden. PWSA Interrogatories, I-11. PWSA's Interrogatories also seek information about whether Proventus has inspected the properties to determine if leaks occurred, has surveyed the tenants about leaks, has counseled new tenants regarding conservation and has installed low-flow plumbing devices. PWSA Interrogatories, I-12-15. Finally, PWSA has asked Proventus to confirm that BCS has dismissed each informal complaint filed in connection with these accounts. PWSA Interrogatories, I-16.

Each and every one of the Interrogatories is aimed specifically at enabling PWSA to better understand the dispute, adequately prepare its defense and formulate a reasonable settlement position. Through Proventus' failure to provide responses to date, which are now more than 30 days late with the hearings scheduled for October 26-27, 2021, PWSA has been unable to engage in its normal hearing and settlement preparations. This is especially problematic with 22 properties involved, each having facts that vary regarding consumption and meter replacement. A further postponement of the hearings is not an acceptable solution, as these matters have been pending for nearly one year. In the meantime, Proventus is not paying disputed or undisputed bills.

#### IV. CONCLUSION

PWSA's Interrogatories are directly relevant to the Amended Complaints' allegations and within the scope of this proceeding. The information sought is reasonably calculated to lead to admissible evidence and will enable PWSA to adequately prepare for the hearings and to defend the Amended Complaints. For the reasons discussed above, PWSA respectfully requests that the Administrative Law Judge grant this Motion and compel Proventus to provide complete and timely responses.

Respectfully submitted,

*/s/ Karen O. Moury*

---

Karen O. Moury, Esquire (I.D. No. 36879)  
Eckert Seamans Cherin & Mellott, LLC  
213 Market St., 8<sup>th</sup> Floor  
Harrisburg, PA 17101  
(717) 237-6036 (phone)  
(717) 237-6019 (fax)  
kmoury@eckertseamans.com

Lauren M. Burge, Esquire (I.D. No. 311570)  
Eckert Seamans Cherin & Mellott, LLC  
600 Grant Street, 44<sup>th</sup> Floor  
Pittsburgh, PA 15219  
(412) 566-2146 (phone)  
(412) 566-6099 (fax)  
lburge@eckertseamans.com

Date: September 23, 2021

Counsel for  
The Pittsburgh Water and Sewer Authority

## APPENDIX A

### **PWSA INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS TO PROVENTUS, SET I**

1. Reference the Amended Formal Complaint, Paragraph 1, in which it is alleged that incorrect charges appeared on Proventus' bills for each Account that is the subject of a Complaint in this consolidated proceeding, during the period from August 1, 2019 through August 31, 2020.
  - (a) For each Account, by address, please identify the specific bill(s) by month and year on which Proventus alleges that incorrect charges appeared.
  - (b) For each of these bills, please identify the amount of the incorrect charges that Proventus alleges.
  - (c) For each of these bills, please identify the reason that Proventus alleges the charges are incorrect.
  
2. Reference Attachment A (Account Histories) attached to PWSA's Response to Interrogatory, Proventus I-1. For the bills rendered during the period from August 1, 2019 through August 31, 2020, please confirm the following:
  - (a) For 402 Kirkpatrick Street, bills showed consumption ranging from 7,000 to 11,000 gallons per month. If you do not confirm, please explain.
  - (b) For 404 Kirkpatrick Street, bills showed consumption ranging from 3,000 to 8,000 gallons per month. If you do not confirm, please explain.
  - (c) For 406 Kirkpatrick Street, bills showed consumption ranging from 5,000 to 12,000 gallons per month, with the exception of May 2020 when consumption peaked at 15,000 gallons. If you do not confirm, please explain.
  - (d) For 408 Kirkpatrick Street, bills showed consumption ranging from 1,000 to 5,000 gallons per month, with the exception of September 2020 when consumption peaked at 13,000 gallons. If you do not confirm, please explain.
  - (e) For 412 Kirkpatrick Street, bills showed consumption ranging from 4,000 gallons to 9,000 gallons per month, with the exception of October 2019 and November 2019 when consumption peaked at 17,000 gallons and 12,000 gallons, respectively. If you do not confirm, please explain.
  - (f) For 414 Kirkpatrick Street, bills showed consumption ranging from 5,000 gallons to 10,000 gallons per month, with the exception of July 2020 and August 2020 when consumption peaked at 17,000 and 23,000 gallons, respectively. If you do not confirm, please explain.

- (g) For 2204 La Place Street, bills showed consumption ranging from 3,000 gallons to 6,000 gallons per month. If you do not confirm, please explain.
  - (h) For 2332 La Place Street, bills showed consumption ranging from 4,000 gallons to 10,000 gallons per month, with the exception of June 2020 when consumption peaked at 14,000 gallons. If you do not confirm, please explain.
  - (i) For 2331 Reed Street, bills showed consumption ranging from 9,000 gallons to 21,000 gallons per month, with the exception of September 2020 when consumption peaked at 30,000 gallons. If you do not confirm, please explain.
  - (j) For 2333 Reed Street, bills showed consumption ranging from 3,000 gallons to 20,000 gallons per month, with the exception of August 2020 when consumption peaked at 45,000 gallons. If you do not confirm, please explain.
  - (k) For 2335 Reed Street, bills showed consumption ranging from 5,000 to 10,000 gallons per month. If you do not confirm, please explain.
  - (l) For 2337 Reed Street, bills showed consumption ranging from 3,000 to 5,000 gallons per month. If you do not confirm, please explain.
  - (m) For 2347 Reed Street, bills showed consumption ranging from 4,000 to 7,000 gallons per month, with the exception of November 2020 when consumption peaked at 45,000 gallons. If you do not confirm, please explain.
  - (n) For 2345 Reed Street, bills showed consumption ranging from 8,000 to 12,000 gallons per month, with the exception of August 2020 when consumption peaked at 18,000 gallons. If you do not confirm, please explain.
3. Reference Attachment A (Account Histories) attached to PWSA's Response to Interrogatory, Proventus I-1. For the bills rendered during the period from August 1, 2019 through August 31, 2020, please explain how Proventus believes that meters were not functioning properly in certain months but then rectified themselves without being replaced or repaired. For example, for 2340 La Place Street, the October 2019 consumption was 50,000 gallons, and then returned to more normal levels of 10,000 gallon in December 2019 and 9,000 gallons in January 2020. Similarly, in October 2020, the usage was 29,000 gallons and then returned to 8,000 gallons in November 2020.
4. For each address that is associated with an Account that is the subject of the Amended Formal Complaint in this consolidated proceeding, please identify each tenant that occupied the property during the period from August 1, 2019 through August 31, 2020, along with the begin and end dates of each occupancy.
5. For each address that is associated with an Account that is the subject of the Amended Formal Complaint in this consolidated proceeding, please provide all plumbing repair bills during the period from August 1, 2019 through August 31, 2020.

6. Please identify evidence that Proventus will introduce to refute PWSA's meter testing results and demonstrate that the meters were not functioning properly.
7. Please identify any and all instances, along with dates, when Proventus raised a dispute with PWSA about consumption levels associated with each Account that is the subject of the Amended Formal Complaint in this consolidated proceeding prior to the filing of the Formal Complaints. If Proventus did not dispute consumption levels prior to the filing of the Formal Complaints, please explain why not.
8. Please confirm that PWSA has entered into payment arrangements on each of the Accounts that is the subject of the Amended Formal Complaint in this consolidated proceeding. If you do not confirm, please explain.
9. Please confirm that PWSA has assessed interest due to late payments on each of the Accounts that is the subject of the Amended Formal Complaint in this consolidated proceeding. If you do not confirm, please explain.
10. Please confirm that PWSA has issued termination notices for non-payment to each of the Accounts that is the subject of the Amended Formal Complaint in this consolidated proceeding. If you do not confirm, please explain.
11. Please explain why Proventus believes that it should not be responsible for paying its bills and that other customers should be required to shoulder the burden of the costs that PWSA has incurred to provide water service to Proventus.
12. During the period from August 1, 2019, through August 31, 2020, please indicate whether Proventus has inspected the properties associated with each of the Accounts that is the subject of the Amended Formal Complaint in this consolidated proceeding to determine whether leaks have occurred. If the answer is yes, please provide dates and maintenance work orders/documents showing results, along with repairs.
13. During the period from August 1, 2019 through August 31, 2020, please indicate whether Proventus has surveyed the tenants at the properties associated with each of the Accounts that is the subject of the Amended Formal Complaint in this consolidated proceeding to determine whether leaks have occurred. If the answer is yes, please provide dates and the results of those surveys.
14. Please indicate whether Proventus counsels new tenants regarding conservation. If the answer is yes, please provide documentation.
15. Please indicate whether Proventus installs low-flow plumbing devices at the properties associated with each of the Accounts that is the subject of the Amended Formal Complaint in this consolidated proceeding. If the answer is yes, please provide documentation.
16. Please confirm that the Commission's Bureau of Consumer Services dismissed each Informal Complaint filed in connection with the Accounts that are the subject of the

Amended Formal Complaint in this consolidated proceeding. If you do not confirm, please explain.

## Verification

I, Karen O. Moury, state that I am an Attorney of Record for the Pittsburgh Water and Sewer Authority 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.

September 23, 2021

*Karen O. Moury*

---

Karen O. Moury, Esquire