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October 13, 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)

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Dear Secretary Chiavetta:

Enclosed for electronic filing please find a Response 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 Response upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

**Via Email Only**

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Hon. Darlene Heep  
Administrative Law Judge  
PA Public Utility Commission  
Suite 4063  
801 Market Street  
Philadelphia, PA 19107  
dheep@pa.gov  
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Dated: October 13, 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

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**RESPONSE OF THE PITTSBURGH WATER AND SEWER AUTHORITY  
TO THE ORDER DATED OCTOBER 7, 2021**

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To the Honorable Administrative Law Judge Darlene Heep:

**I. INTRODUCTION**

Pursuant to the Order dated October 7, 2021 and served on the parties at approximately Noon on October 13, 2021, the Pittsburgh Water and Sewer Authority (“PWSA” or the “Authority”) hereby respectfully requests that Administrative Law Judge (“ALJ”) Darlene Heep

grant PWSA's Motion to Compel with respect to Interrogatories 14 and 15. By this pleading, PWSA is explaining the relevancy of these Interrogatories to this proceeding.<sup>1</sup>

## II. ARGUMENT

As noted in PWSA's Motion to Compel filed on September 23, 2021, the Commission has stated that the relevancy test should be liberally applied when considering the proper scope of discovery. *Pa. P.U.C. v. Equitable Gas Company*, 61 Pa. P.U.C. 468, 477 (May 16, 1986). 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 should be provided to PWSA.

Interrogatories 14 and 15 are relevant to this proceeding because Proventus Holdings, LLC ("Proventus") is alleging that faulty meters have caused periods of high consumption at the properties, while PWSA is contending that its meters have functioned accurately and that the causes of the high consumption appear to be on the customer's side. To the extent that Proventus does not counsel tenants regarding conservation or install low-flow plumbing devices at the properties, this information may strengthen PWSA's position that the high consumption issues have been caused by consumers' usage patterns and/or plumbing issues. If Proventus does follow these measures and intends to reference them in support of its claims that PWSA's meters are malfunctioning, PWSA will have information that enables it to better prepare a defense against the Amended Formal Complaints. In addition, these responses may facilitate the formulation of a settlement position by PWSA.

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<sup>1</sup> The Order directed PWSA to provide a response as to relevancy within 3 business days of the date of the Order. As the Order was dated October 7, 2021, today is the 3<sup>rd</sup> business day due to the intervening weekend and state holiday.

### III. CONCLUSION

PWSA's Interrogatories 14 and 15 are directly relevant to the Amended Complaints' allegations and are 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 ALJ grant the Motion to Compel as to Interrogatories 14 and 15 and compel Proventus to provide complete and timely responses.

Respectfully submitted,

*/s/ Karen O. Moury* \_\_\_\_\_

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Date: October 13, 2021

Counsel for  
The Pittsburgh Water and Sewer Authority