

**BEFORE THE PENNSYLVANIA UTILITY COMMISSION**

**JOHN MUSGRAVE IV**

**DOCKET NUMBER C-2020-3020714**

**Complainant**

**REPLY TO MOTION TO DISMISS**

**v.**

**THE PITTSBURGH WATER AND SEWER AUTHORITY**

**Counsel of Record for This Party:**

**Respondent**

**John K. Musgrave IV  
6059 Bunkerhill Street  
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<b>JOHN MUSGRAVE IV</b>	)	<b>DOCKET NO. C-2020-3020714</b>
	)	
<b>Complainant</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>PITTSBURGH WATER AND SEWER AUTHORITY</b>	)	
	)	
<b>Respondent</b>	)	

**REPLY TO MOTION TO DISMISS**

**A. The Commission Has Subject Matter Jurisdiction to Decide the Public Versus Private Nature of the Service Line.**

The Public Utility Code empowers the PUC to determine the value of PWSA's property (Section 505); to obtain 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).

**B. The Complaint is Legally Sufficient**

1. 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 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 original curb stop for 6059 Bunkerhill Street was about 9 feet from the side of the house before PWSA moved it approximately 200 feet to his neighbor's property in late fall of 2020. According to the Tariff, PWSA is required to maintain the service line from the curb stop to the main. PWSA should be responsible for installing and maintaining the service line from a point about 9 feet from the Complainant's house to the main which is about 200 feet away.

2. The first 3 breaks on the party line that supplied water to the last 6 houses on Bunkerhill Street were repaired by PWSA. For the subsequent 3 breaks on the party line, the homeowners

had to hire their own plumbers 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 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 agreed 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.

3. 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 (See Application and Contract for Water Supply from December 31, 1928).

#### **C. The Commission Has Subject Matter Jurisdiction to Decide Private Contractual Matters**

Section 508 of the Public Utility Code states that the PUC has the power vary, reform, and revise unjust contracts between PWSA and any person.

#### **D. The Commission Has Jurisdiction to Award Monetary Compensation or Damages**

Section 1501 of the Public Utility Code states that every public utility needs to provide adequate, efficient, safe, and reasonable services 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.

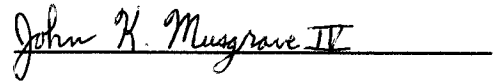
Section 1353 of the Public Utility Code gives the PUC the authority to establish a distribution system improvement charge to provide timely recovery of the costs incurred to repair, improve, or replace eligible property in order to ensure efficient, safe, reliable, and reasonable service. Section 1351(3) lists 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.

## CONCLUSION

WHEREFORE, the Complainant respectfully requests this Commission (a) does not dismiss the complaint; and (b) grant any other relief to the Complainant that is deemed to be reasonable and appropriate.

Respectfully submitted,

A handwritten signature in black ink, reading "John K. Musgrave IV", is written over a horizontal line.

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Date: February 1, 2022

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 1<sup>st</sup> day of February, 2022

John K. Musgrave IV

John K. Musgrave IV

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

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