

Lauren M. Burge  
412.566.2146  
lburge@eckertseamans.com

August 10, 2022

**Via Electronic Filing**

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

Re: John Kerr Musgrave, IV v. Pittsburgh Water and Sewer Authority  
Docket No. C-2020-3020714

Dear Secretary Chiavetta:

This letter constitutes the Status Report of The Pittsburgh Water and Sewer Authority (“PWSA”) as required by the May 5, 2022 Interim Order in the above-referenced matter.

Pursuant to the March 18, 2022 Interim Order, the issues remaining in this proceeding are limited to: (1) whether PWSA had maintenance and repair responsibilities for a service line running along Bunkerhill Street prior to November 11, 2020, which the Authority failed to perform and caused alleged breaks in January 2018, February 2020 and July 2020; and (2) whether PWSA violated Section 1501 of the Public Utility Code, 66 Pa. C.S. § 1501, by failing to maintain proper levels of chlorine to the 6059 Bunkerhill property between May 2018 and October 2020.

Since the May 5, 2022 Interim Order was issued, the following have occurred:

- On May 13, 2022, PWSA and the Complainant exchanged lists of proposed witnesses to be presented at the evidentiary hearing;
- PWSA served one set of interrogatories on the Complainant on June 17, 2022, to which he responded on July 7, 2022; and
- On July 15, 2022, PWSA filed a Motion in Limine requesting that Administrative Law Judge Emily I. DeVoe issue an Interim Order restricting the Complainant’s ability to present the witnesses and proposed testimony identified in his Witness List provided on May 13, 2022. The Complainant filed a Reply to the Motion on July 27, 2022.

PWSA's Motion in Limine is currently pending. The decision on this Motion will significantly affect the amount of time or number of days required for evidentiary hearings in this proceeding.<sup>1</sup> As a result, it is difficult for PWSA to determine at this time on what date(s) it has sufficient availability in August or September for evidentiary hearings. For this reason, PWSA respectfully requests either that a further prehearing conference be held prior to the scheduling of any evidentiary hearing to discuss hearing logistics and dates, or that the parties be directed to file a further status report after an order has been issued on the Motion in Limine to identify availability for hearings.

Thank you for your time and attention to this matter. Copies of this Status Report are being served in accordance with the attached Certificate of Service.

Sincerely,

*/s/ Lauren M. Burge*

Lauren M. Burge

cc: Cert. of Service

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<sup>1</sup> As explained in PWSA's Motion in Limine, the Complainant has identified approximately 40 lay and expert witnesses who he intends to present during the evidentiary hearing in this matter. Assuming that the direct examination and cross examination for each witness takes 60 minutes, the hearing would last 40 hours and need to span approximately 6-7 days before PWSA even presents its three designated witnesses. This estimate does not provide for the likelihood of disputes arising during the presentation of testimony, which would need to be addressed by the parties and ruled upon by the presiding officer. Motion at 9.

**CERTIFICATE OF SERVICE**

I hereby certify that this day I served a copy of PWSA's Status Report 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 Kerr Musgrave, IV  
6059 Bunkerhill Street  
Pittsburgh, PA 15206-1155  
[jmusky@earthlink.net](mailto:jmusky@earthlink.net)

Hon. Emily I. DeVoe  
Administrative Law Judge  
PA Public Utility Commission  
Piatt Place, Suite 220  
301 5<sup>th</sup> Avenue  
Pittsburgh, PA 15222  
[edevoe@pa.gov](mailto:edevoe@pa.gov)

Dated: August 10, 2022

*Lauren M. Burge*

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Lauren M. Burge, Esq.