

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ALLEGHENY CEMETERY,
a Pennsylvania nonprofit,

THE HOMEWOOD CEMETERY,
a Pennsylvania nonprofit, and

SMITHFIELD CEMETERY,
a Pennsylvania nonprofit.

PUC Docket No. C-2022-3036595

Complainants,

vs.

PITTSBURGH WATER & SEWER AUTHORITY,
Respondent.

REPLY TO NEW MATTER

AND NOW, comes the Complainants, ALLEGHENY CEMETERY, a Pennsylvania nonprofit (“Allegheny Cemetery”), THE HOMEWOOD CEMETERY, a Pennsylvania nonprofit (“Homewood Cemetery”), and SMITHFIELD CEMETERY, a Pennsylvania nonprofit (“Smithfield Cemetery”) (collectively referred to as “Complainants”), by and through its attorneys, JONATHAN M. KAMIN, ESQUIRE, DAVID A. WOLF, ESQUIRE, DEBORAH R. ERBSTEIN, ESQUIRE, and the law firm of GOLDBERG, KAMIN & GARVIN, LLP and files the following Reply to New Matter and in support thereof states as follows:

1. The averments set forth in Paragraph 39 of the Respondent’s New Matter state conclusion of law to which a responsive pleading is not required. To the extent the same is deemed to be issues of fact, they are also denied. Strict proof is demanded at the time of trial.
2. The averments set forth in Paragraph 40 of the Respondent’s New Matter state conclusion of law to which a responsive pleading is not required. To the extent the same is deemed to be issues of fact, they are also denied. Strict proof is demanded at the time of trial.

3. The averments set forth in Paragraph 41 of the Respondent's New Matter state conclusion of law to which a responsive pleading is not required. To the extent the same is deemed to be issues of fact, they are also denied. Strict proof is demanded at the time of trial.

4. The averments set forth in Paragraph 42 of the Respondent's New Matter state conclusion of law to which a responsive pleading is not required. To the extent the same is deemed to be issues of fact, they are also denied. Strict proof is demanded at the time of trial.

5. The averments set forth in Paragraph 43 of the Respondent's New Matter state conclusion of law to which a responsive pleading is not required. To the extent the same is deemed to be issues of fact, they are also denied. Strict proof is demanded at the time of trial.

WHEREFORE, the Complainants, The Allegheny Cemetery, the Homewood Cemetery and the Smithfield Cemetery, respectfully request that the Commission enter an Order directing the Respondent, the Pittsburgh Water and Sewer Authority perform a storm water calculation for the Complainants' properties, taking into account the unique nature of their properties, including but not limited to the geographical area, number of trees, lack of working stormwater drains, and ponds in which the stormwater is collected, to stay all fees related to said Stormwater Fees and to grant such other and further relief as the Commission deems necessary and just.

Respectfully submitted,
GOLDBERG, KAMIN & GARVIN, LLP



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ATTORNEYS FOR COMPLAINANTS,
THE ALLEGHENY CEMETERY, THE
HOMWOOD CEMETERY AND THE
SMITHFIELD CEMETERY

VERIFICATION

I, David J. Michener, President and CEO of the Allegheny and Homewood Cemeteries, certify that I am authorized on behalf of the Complainants to make this verification to the foregoing Reply to New Matter by virtue of my position and certify that the averments set forth therein are true and correct to the best of my knowledge or information and belief.

I understand that this verification is made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn fabrication to authorities, which provides that if I knowingly make false averments, I may be subject to criminal penalties.

Date: 12-8-2022



DAVID J. MICHENER, President and CEO
Claimants, Allegheny and Homewood Cemeteries

CERTIFICATE OF SERVICE

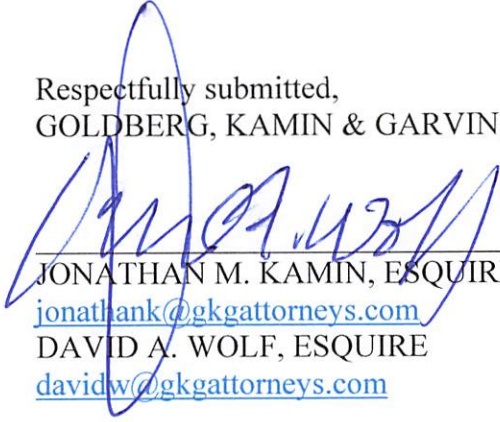
I hereby certify that on this 16 day of December, 2022, I served the foregoing
REPLY TO NEW MATTER by U.S. Regular mail addressed as follows:

PITTSBURGH WATER & SEWER AUTHORITY, RESPONDENT
1200 Penn Avenue
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Attention: Legal Department

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Respectfully submitted,
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