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December 19, 2022

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Via Electronic Filing

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

RE: Ronald H. Schad v. The Pittsburgh Water and Sewer Authority
Docket Nos. C-2022-3036935 and C-2022-3036934

Dear Secretary Chiavetta:

Enclosed for electronic filing please find The Pittsburgh Water and Sewer Authority's Motion to Consolidate 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

Enclosure

cc: Certificate of Service (with Enclosures)

CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of the foregoing Motion to Consolidate upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

Via Email Only

Ronald H. Schad
2509 Greenboro Lane
Pittsburgh, PA 15220
schadr@comcast.net

Hon. Charles E. Rainey, Jr.
Chief Administrative Law Judge
Pa. Public Utility Commission
400 North Street
Harrisburg, PA 17120
bobbwillia@pa.gov

Date: December 19, 2022

/s/ Karen O. Moury

Karen O. Moury, Esquire

Counsel for
The Pittsburgh Water and Sewer Authority

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Ronald H. Schadr	:	
	:	Docket No. C-2022-3036935 (stormwater)
v.	:	Docket No. C-2022-3036934 (wastewater)
	:	
The Pittsburgh Water and Sewer Authority	:	

NOTICE TO PLEAD

To: Ronald H. Schadr
2509 Greenboro Lane
Pittsburgh, PA 15220
schadr@comcast.net
(via email only)

You are hereby notified that an Answer to the enclosed **Motion to Consolidate** of The Pittsburgh Water and Sewer Authority must be filed within 20 days of the date of service. All pleadings, such as an Answer to Motion, must be filed with the Secretary of the Pennsylvania Public Utility Commission with a copy served to counsel for the Authority and the Office of Administrative Law Judge.

File with:
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120
<https://efiling.puc.pa.gov/Login>

With a copy to:
Karen O. Moury
Bryce R. Beard
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
kmoury@eckertseamans.com
bbeard@eckertseamans.com

/s/ Karen O. Moury

Karen O. Moury

Date: December 19, 2022

Counsel for The Pittsburgh Water and Sewer
Authority

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Ronald H. Schad :
 :
 v. : Docket No. C-2022-3036935 (stormwater)
 : Docket No. C-2022-3036934 (wastewater)
 :
 The Pittsburgh Water and Sewer Authority :

**PITTSBURGH WATER AND SEWER AUTHORITY’S
MOTION TO CONSOLIDATE**

Pursuant to 52 Pa. Code §5.81(a), The Pittsburgh Water and Sewer Authority (“PWSA”) submits this Motion to Consolidate the above-captioned matters. In support of this Motion, PWSA avers as follows:

1. On November 28, 2022, the Commission e-served to PWSA the Formal Complaint of Ronald H. Schad (“Complainant”) at Docket Nos. C-2022-3036935 and C-2022-3036934.
2. Regarding the “Type of Utility Service” subject to the Formal Complaint, Complainant checked the box for “stormwater” and “wastewater/sewer.” *See* Para. 3 of Formal Complaint.
3. PWSA provides wastewater conveyance and stormwater services to Complainant’s property and issues a single bill to Complainant for all public utility services. Additionally, the Complainant’s bill includes sewage treatment charges from the Allegheny County Sanitary Authority (“ALCOSAN”), which are established by ALCOSAN and paid by PWSA to ALCOSAN pursuant to PWSA’s tariff.
4. The Formal Complaint objects to PWSA’s bills which contain charges for both stormwater and wastewater/sewer services.
5. The Formal Complaint is identical with respect to stormwater service and wastewater/sewer service, and for both services, involves the same issues of facts and law.

6. Section 5.81(a) of the Commission’s regulations states that “[t]he Commission or presiding officer, with or without motion, may order proceedings involving a common question of law or fact to be consolidated. The Commission or presiding officer [also] may make orders concerning the conduct of the proceeding as may avoid unnecessary costs or delay.” 52 Pa. Code § 5.81(a).

7. Other considerations in ruling on a consolidation include the following: (a) whether additional issues exist that could cloud the determination of common issues; (b) whether consolidation will reduce litigation costs and decision-making for the parties and the Commission; (c) whether the issues in one proceeding go to the heart of an issue in the other proceeding; (d) whether consolidation will unduly protect a hearing or produce a disorderly or unwieldy record; (e) whether different statutory and legal issues are involved; (f) whether the party with the burden of proof differs in the proceedings; (7) whether consolidation will unduly delay the resolution of one of the proceedings; and (8) whether supporting data in both proceedings will be repetitive.¹ As stated in that order, no single consideration, nor group of these considerations, is dispositive of consolidation. Rather, all factors must be evaluated, and a balancing of those favoring and disfavoring consolidation is required.²

8. As discussed above, although two separate dockets have been assigned by the Commission for this single Formal Complaint, the Formal Complaint involves the same set of facts and legal issues, including: (a) the provision of stormwater and wastewater conveyance services by PWSA to the same service address; and (b) the accuracy of charges on the bills rendered to Complainant for stormwater and wastewater conveyance services.

¹ See *PUC v. City of Lancaster Sewer Fund*, Docket No. R-2012-2310366, Second Prehearing Order at 3-4 (Nov. 26, 2012) (“*Lancaster Sewer Fund Prehearing Order*”).

² *Id.* at 3.

9. Additionally, a balancing of the other considerations referenced in the *Lancaster Sewer Fund Prehearing Order* supports consolidation of these proceedings. Specifically, consolidation will reduce litigation costs and decision-making for the parties and the Commission; the issues are the same notwithstanding the assignment of two separate docket numbers; consolidation will produce an orderly record; the Complainant carries the burden of proof in both proceedings; consolidation will not unduly delay the resolution of either proceeding; and, the supporting data in both proceedings will be similar.

10. Consolidating these proceedings would promote judicial economy and conserve valuable resources of the parties and the Commission. Since the proceedings involve the same issues of fact and law, no reason exists to have them litigated on separate paths.

WHEREFORE, PWSA respectfully requests that the Office of Administrative Law Judge consolidate Docket Nos. C-2022-3036935 and C-2022-3036934 into one proceeding.

Respectfully submitted,

/s/ *Karen O. Moury*

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Date: December 19, 2022

*Counsel for
The Pittsburgh Water and Sewer Authority*