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February 13, 2023

**Via Electronic Filing**

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

RE: Tirlochan S. Walia v. The Pittsburgh Water and Sewer Authority  
Docket No. F-2022-3032572

Dear Secretary Chiavetta:

Enclosed for electronic filing please find The Pittsburgh Water and Sewer Authority's Reply Exceptions with regard to the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,

*Sarah C. Stoner*  
Sarah C. Stoner

Enclosure

cc: Certificate of Service w/enc.  
[Ra-OSA@pa.gov](mailto:Ra-OSA@pa.gov) w/enc.

**CERTIFICATE OF SERVICE**

I hereby certify that this day I served a copy of PWSA's Reply Exceptions upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

**Via First Class Mail**

Tirlochan S. Walia  
100 Denniston Street, Unit # 232  
Pittsburgh, PA 15206  
(no email address)

**Via Email Only**

Hon. Conrad A. Johnson  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
Office of Administrative Law Judge  
Piatt Place, Suite 220  
301 Fifth Avenue  
Pittsburgh, PA 15222  
[cojohnson@pa.gov](mailto:cojohnson@pa.gov)

Date: February 13, 2023

*Sarah C. Stoner*

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Sarah C. Stoner, Esquire  
Counsel for  
The Pittsburgh Water and Sewer Authority

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Tirlochan S. Walia,	:	
Complainant,	:	
	:	
v.	:	Docket No. F-2022-3032572
	:	
The Pittsburgh Water and Sewer Authority,	:	
Respondent.	:	

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**THE PITTSBURGH WATER AND SEWER  
AUTHORITY’S REPLY TO EXCEPTIONS**

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**I. INTRODUCTION**

On May 9, 2022, Tirlochan S. Walia (“Complainant”) filed a Formal Complaint against The Pittsburgh Water and Sewer Authority (“PWSA” or “Authority”) with the Pennsylvania Public Utility Commission (“Commission”) claiming that PWSA’s practice of billing in blocks of 1,000 gallons, while at the same time varying the billing period from 26 to 35 days, is inequitable. By way of requested relief, the Complainant asks that the Commission direct PWSA to bill by the actual amount of gallons and maintain a constant billing period. If that is not feasible, he requests that PWSA be required to at least apply the concept of rounding so that any consumption up to 1,499 gallons would be billed as 1,000 gallons and usage between 1,500 and 2,499 would be billed as 2,000 gallons, etc. The Administrative Law Judge (“ALJ”) aptly ruled in an Interim Order on August 3, 2022, that the Authority’s billing periods do not constitute a violation of the Code, the Commission’s regulations, or a Commission order. On September 14, 2022, an evidentiary hearing was held regarding the Complainant’s remaining claim regarding the Authority’s practice of billing in blocks of 1,000 gallons.

On January 4, 2023, the ALJ issued an Initial Decision (“Initial Decision” or “I.D.”) which denied the Complaint. The ALJ found that the Complainant failed to meet his burden of proof, and that a public utility’s tariff provisions that have been properly submitted and approved by the Commission are *prima facie* reasonable. *See* I.D. at 13. On January 17, 2023, the Complainant filed a letter with the Commission that specifically stated that the letter did not constitute Exceptions to the Initial Decision. The letter was not served on the Authority by the Complainant. On February 6, 2023,<sup>1</sup> the Authority received a Secretarial Letter enclosing a copy of the Complainant’s letter. Notwithstanding the Complainant’s written statement that he was not filing Exceptions, the Secretarial Letter treated the letter as Exceptions and set a deadline of February 13, 2023 for the Authority to file Reply Exceptions. The Complainant’s “Exceptions” contain vague statements regarding public policy, his electric distribution company’s billing practices (which are irrelevant to this proceeding), and vague assertions regarding exhibits. The Exceptions do not allege any violation of the Public Utility Code, Commission regulations or orders by PWSA.

Pursuant to 52 Pa. Code § 5.535 and the Secretarial Letter dated February 2, 2023, PWSA submits the following replies to the Complainant’s “Exceptions”. PWSA respectfully requests that the Commission deny the Complainant’s Exceptions, adopt the recommendations in the Initial Decision, and dismiss the Complaint in its entirety.

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<sup>1</sup> The Secretarial Letter is dated February 2, 2023, but was not served on the Authority until February 6, 2023.

## II. REPLIES TO EXCEPTIONS

### A. Reply to Exception No. 1 – PWSA’s Billing Practices

The Complainant’s first Exception (including subparts (a) through (c)) relate to the Authority’s billing practices, which the Authority has demonstrated are consistent with its Commission-approved tariff. The Initial Decision correctly finds that PWSA bills its residential customer based on 1,000-gallon increments of water consumption. I.D. at 6; Tr. 38-40. The Initial Decision also appropriately finds that:

- PWSA bills a residential customer, such as Complainant, a monthly minimum water and wastewater conveyance charge whether or not the customer uses a full 1,000 gallons of water;
- In addition to the monthly minimum water and wastewater conveyance charge, PWSA bills residential customers in increments of 1,000 gallons of water for any monthly consumption that is in excess of 1,000 gallons of water; and
- Instances during a billing period in which a customer consumes a partial 1,000-gallon increment of water, the customer’s partial consumption is carried over and added to the customer’s consumption for the next billing cycle.

I.D. at 7; Tr. 39-40, 51. PWSA Witness Julie Mechling testified that the Authority’s billing practices are consistent with the Authority’s Commission-approved tariff. Tr. 40-41, 44. As explained by PWSA Witness Julie Mechling at the evidentiary hearing, “PWSA’s practice is reasonable and it’s consistent with industry standards. Several other water utilities also bill their customers in Pennsylvania based on 1,000 gallon increments of water.” Tr. 41.

As referenced by the ALJ in the Initial Decision, Pennsylvania courts have repeatedly held that tariff provisions that have been properly submitted to and approved by the Commission

are prima facie reasonable. I.D. at 11. Further, the ALJ appropriately reflected that “a complainant seeking to evade the effect of an existing tariff provision carries a very heavy burden to prove that the facts and circumstances have changed so drastically as to render the application of the tariff provision unreasonable.” I.D. at 11. Therefore, Complainant’s Exception No. 1 must be denied and the Initial Decision should be adopted.

B. Reply to Exception No. 2 – Billing Practices of Electric Distribution Company

This Exception relates to the billing practices of Complainant’s electric distribution company, Duquesne Light Company. The billing practices of Duquesne Light Company are irrelevant to this proceeding. In addition, there is no evidence in the record regarding Duquesne Light Company’s billing practices. Any implied assertions garnered from Exception No. 2 should be disregarded. As such, this Exception should be denied, and the Initial Decision should be adopted.

C. Reply to Exception No. 3 – Hearing Exhibits

This Exception relates to hearing exhibits. While the Complainant’s Exception No. 3 is rather vague, it appears that he is referencing a proposed hearing exhibit that he provided the Authority via a letter dated August 22, 2022. The proposed exhibit was not served on the ALJ or admitted into the record. See Index to Exhibits from the September 14, 2022 Evidentiary Hearing; Tr. 54. The transcript from the evidentiary hearing reflects that the Complainant inquired whether the Authority’s future bills will display charges in less than 1,000 gallon increments. As explained by PWSA Witness Mechling, the Authority does not display charges in less than 1,000 gallon increments (such as down to a gallon or tenth of a gallon) as the Authority’s tariff specifies that it bills in 1,000 gallon increments. Tr. 56-57. The ALJ appropriately ruled in the Initial Decision that the Complainant’s challenge of PWSA’s billing

practice must be dismissed as he failed to carry his burden of proving PWSA's Commission-approved tariff is no longer reasonable or the application of the existing tariff at issue is applied unreasonably. I.D. at 12. Accordingly, the Complainant's vague assertion in this Exception must be denied and the Initial Decision should be adopted.

### III. CONCLUSION

Therefore, for the reasons discussed above, PWSA respectfully requests that the Commission deny the Complainant's Exceptions and adopt the recommendations in the Initial Decision.

/s/ *Karen O. Moury*

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Date: February 13, 2023

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