

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOHN MUSGRAVE IV

DOCKET NUMBER C-2020-3020714

Complainant

**EXCEPTIONS OF JOHN MUSGRAVE –
COMPLAINANT**

vs.

THE PITTSBURGH WATER AND SEWER AUTHORITY

Counsel of Record for this Party:

Respondent

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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOHN MUSGRAVE IV)	DOCKET NO. C-2020-3020714
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Complainant)	
)	
v.)	
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PITTSBURGH WATER AND SEWER AUTHORITY)	
)	
Respondent)	

EXCEPTIONS OF JOHN MUSGRAVE - COMPLAINANT

1) Finding of Fact #14 on page 12 of the Initial Decision appears to be incorrect. "The residence at 6049 Bunkerhill Street did not receive water service through a shared or party water line with any other residence on the street."

At the time of the water line break in the yard of 6049 Bunkerhill on January 16, 2015, it is logical to believe that the water line break was on the party line delivering water to 6049 Bunkerhill. In Rebecca Price's testimony she states that she is not sure if the water line break was on the party line (Tr. 200-16 through 201-3). She says that the water line break was 10 to 20 feet from the edge of her house. Complainant Exhibit 13 has 2 maps of the party line on Bunkerhill. 6049 Bunkerhill did not construct their own individual water line to the main until March 14, 2018 (ALJ Exhibit 2, Joint Stipulations), so the water line break at 6049 Bunkerhill on January 16, 2015 must have been on the party line or a lateral coming off of the party line. Rebecca Price's account of the water line break being about 10 to 20 feet from the rear edge of her house fits with the location of the party line on the map.

Witness Justin Crowley states that this water line break in 2015 in the Price's yard was on the party line (Tr. 206 – 16 through 206-18, 203-23 through 204-10).

2) Finding of Fact #15 on page 12 of the Initial Decision appears to be incorrect. "Two water line breaks occurred in March 2017 in the shared water line: one occurred near or on the residence at 6041 Bunkerhill Street; and one occurred near or on the residence of 6045 Bunkerhill Street (Tr. 204-206, 213-215)."

Justin Crowley testified that there was only one party line break which occurred in March 2017 which was on the street mostly on the property of 6041 Bunkerhill, but close to the border with 6045 Bunkerhill (Tr. 204-22 through 205-20, 214-1 through 214-4, 212-2 through 212-5).

Justin Crowley also testified that there was a party line break in the yard of 6045 Bunkerhill in February 2018 (Tr. 220-7 through 221-3, 222-20 through 222-22, 225-10 through 225-12).

This incorrect finding of Fact #15 led to erroneous statements on page 18 of the Initial Decision.

3) Finding of Fact #21 on page 13 of the Initial Decision appears to be incorrect. "As part of the repairs from the leak in January 2018, PWSA replaced a valve on February 14, 2018 along the shared water line in front of 6041 and 6045 Bunkerhill Street because water continued to leak from a broken valve (Tr. 332-334, Complainant Exhibit 8)."

The workmen were working on the valve on February 9, 2018 (Tr. 332-20). To my knowledge the water was not leaking from the valve. The water was leaking from a break in the party line on the property of 6053 Bunkerhill and flowing into the basement of 6059 Bunkerhill. In order to be able to repair the party line pipe on the property of 6053 Bunkerhill, the valve needed to be repaired to shut off the flow of water.

4) Finding of Fact #24 on page 13 of the Initial Decision appears to be incorrect. "A water line break occurred on the shared water line in February 2020 which PWSA refused to fix, maintain and/or repair (Tr. 329)".

To my knowledge there was no water line break on the party line in February 2020, but there was a break in the party line in February of 2018. Water line breaks on the party line which PWSA refused to fix, maintain and/or repair occurred on January 22-24, 2018; February 2018; and July 27, 2020. The party line break on January 22-24, 2018 occurred on the property of 6053 Bunkerhill as evidenced by the testimony of John Musgrave (Tr. 340-7 through 340-19) and (ALJ Exhibit 2, Joint Stipulations). The party line break in February 2018 occurred on the property of 6045 Bunkerhill as supported by the testimonies of Justin Crowley (Tr. 220-7 through 221-3, 222-20 through 222-22) and John Musgrave (Tr. 226-24 through 226-25). The party line break on July 27, 2020 occurred under the street in front of 6041 Bunkerhill as supported by the testimony of John Musgrave (Tr. 341-15 through 341-19) and (ALJ Exhibit 2, Joint Stipulations).

This incorrect finding of fact concerning a February 2020 party line break that does not seem to have occurred has led to erroneous statements being made in the Initial Decision at the bottom of page 7, the top of page 8, the top of page 17, the middle of page 18, page 19, page 24, and page 25.

5) Finding of Fact #26 on page 14 of the Initial Decision appears to be incorrect. "To receive water service in February 2020, the three affected customers on the shared line individually purchased hoses which had to be connected to a fire hydrant on Bunkerhill Street (Tr. 340, 341).

Following the water line break on the party line on June 27, 2020, the residents of 6053, 6055, and 6059 Bunkerhill purchased hoses to transport water from the fire hydrant to their homes until the new water lines were built around November 2020 (TR. 342-2 through 342-5).

To my knowledge there was no break on the party water line in February 2020 (See the correction of Finding of Fact #24.).

6) Finding of Fact #27 on page 14 of the Initial Decision appears to be incorrect. "The customers continued to receive water service through a hose from February 2020 through the start of COVID 19 pandemic until PWSA fixed the leak in or after November 2020 (Tr. 342)."


The customers continued to receive water service through a hose following the party line break on July 27, 2020 through the start of the COVID19 pandemic until PWSA built new individual water lines in or after November 2020. To my knowledge there was no break in the party line in February 2020 (See correction of Finding of Fact #24).

7) Order #3 on page 25 of the Initial Decision should read "...by transecting under the real property of five neighbors", not "...without transecting under the real property of five neighbors".

8) There appears to be a typographical error at the top of page 9 of the Initial Decision. "Rebecca Price", not "Rebecca Prince", was one of the five individuals who were issued subpoenas.

9) There appears to be erroneous statements at the top of page 10 of the Initial Decision. The hearing on February 9, 2023 was telephonic, not in person. The hearing on February 8, 2023 was in person with some witnesses calling in.

Respectfully submitted,



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Date: August 8, 2023

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 8th day of August, 2023



John K. Musgrave IV

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

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