

Tirlochan S Walia

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Ms. Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
HARRISBURG; PA 17120

Dated: October 15, 2024

Ref: F-2022-3032572; Tirlochan S. Walia v. The Pittsburgh Water and Sewer Authority.
My letter to Secretary Chiavetta dated 7-22-2024 (post on date 8-12-2024).

Dear Secretary Chiavetta,

The anniversary of November 30, 2023 hearing is fast approaching with no sign of O&O.

Let me assure the commission that I am fully aware of the gravity of the issues involved. However, it does not trump the need for a timely (?) resolution of my complaint.

The current state of malaise is not a sound public policy, and neither it is conducive to the civic health. The unabated continued malfeasance by the PWSA is not and should not be an option. If for some reason(s), the Commission is unable or otherwise disinclined to process my formal complaint to fruition, I respectfully ask that I be apprised of my options at this time.

B) With the exception of 'minimum charge', the PWSA billing practices have **NO FIDELITY** to the PUC approved **Tariff**. The PWSA is engaged in a series of ongoing across the board violations in flagrant disregard of the statutory **Public Utility Code §1303. Adherence to tariffs.** . VIRTUALLY ALL THE PWSA BILLING RELATED ACTS INDIVIDUALLY AND COLLECTIVELY ARE ANYTHING BUT *

The attached Appendix: PWSA AND THE PUC APPROVED TARIFF gives some of the specifics based on the Nov 30, 2023 hearing.

Sincerely,



DATE OF DEPOSIT

OCT 15 2024

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

P.S. *I consider this correspondence related to but not a part of my formal complaint. None of the parties to the complaint copied.*

* PWSA does use (misuse) the Tariff specified rate of \$14.64.

PWSA AND THE PUC APPROVED TARIFF

1)(a) The ‘**Gallons Billed**’ centric billing system of the PWSA does not have, and cannot have, any fidelity to the ‘**Gallons Used**’ centric PUC approved Tariff, Rules, and Regulations. PUC Gallons ‘Used’ and PWSA Gallons ‘Billed’ are not congruent, are not correlated, and do not always move in the same direction; any semblance is incidental.

Therefore, per se, **no credible explanation of the PWSA billing practices consistent with the PUC approved Tariff is to be had** (logically speaking one simply does not exist). Attempts at ‘explaining away’¹ and prevarications^{2,3} by the PWSA notwithstanding.

(b) ‘**Rollover**’ is an intrinsic and a defining feature of the PWSA billing. However, the term ‘**Rollover**’ and/or ‘**rollover terminology**’ is nowhere to be found in the PUC approved Tariff, Rules, and Regulations. The PWSA ‘**rollover**’ concept and attendant methodology is conceptually bankrupt. See (2).

(c) ‘**Sample Residential Customer Bill**’ at the PWSA website has no mention of ‘**Rollover**’ and/or ‘**rollover terminology**’. To the contrary, it contains the following unambiguous statement ‘(for every full 1,000 gallons over the minimum, PWSA charges \$14.64)’.

(d) The PWSA has tortured the Tariff by **unlawfully** conflating the Tariff provision ‘**Consumption Charge Rate per 1000 Gals.**’⁴ to span a *fanciful* and contorted provision ‘**Consumption Measured in increments of 1000 Gals.**’— a baseless, grotesque, and unwarranted distortion; there is nothing in the Tariff to justify this eccentric rationale for this **unlawful** modality⁵ [See (4)]. The TARIFF mandate is consumption measured in gallons(default) and ‘charged’ per 1000 gallons. ‘Measure’ and ‘Charge’ are not synonyms.

(2) The PWSA billing system is bereft of and unencumbered by any fealty to the universal foundational and basic (all but doctrine) tenet of accounting , viz., **Cost/Revenue is to be reckoned in the time period incurred/generated**⁶.

(3) Asked to explain the disparity in billing treatment of a hypothetical customer with 1,300 gallons usage and my November, 2021 bill⁷ usage of 1,298.6 gallons,

Date	Time	Meter Reading in Gallons	DATE OF DEPOSIT
11/15/2021	21:00	2047.9	
10/13/2021	22:00	749.3	OCT 15 2024
Calculated Usage based on 1298.6 meter readings			

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Ms. Mechling in the course of her ‘explaining away’ made this telling and unbelievably ‘stunning’ statement — ‘**Tariff does not include everything**’. A ‘legally controlling’ PUC approved Tariff, with **full force of law**, is reduced to something akin to a ‘suggestive directive’ and that too in need of fill in the blanks.

I do not find in the Tariff any indication of the PUC abrogating or delegating to the PWSA the authority to amend the PUC approved Tariff; PWSA cannot be its own arbiter.

(4) Bankruptcy of the logic of the illogic (illogic of the logic) of the PWSA billing is on full stark display in my February, 2022 bil⁸.

Date	Time	Meter Reading in Gallons
2/14/2022	21:00	5036.2
1/13/2022	21:00	3999.9
Calculated Usage based on meter readings	1036.3	

I was billed for 2,000 gallons, had the reading on 1/13/2022 been 4,000.0 gallons instead of 3,999.9 gallons – a difference of measly **0.1 gallon**, I would have been billed for 1,000 gallons.

The ‘surreal’ needs to be underlined: a difference in reading of 0.1 gallon resulted in additional charge for 1,000 gallons — go figure!

See Enclsr for further proof of the arbitrary caprice and resulting untenability of the PWSA (fancied) billing.

It needs to be underscored that actual usage during the period is 1,036.3 gallons, the **basis of my original complaint**⁹.

(5) Per the **standard normal** interpretation of the language of the ‘Sample Residential Customer Bill’, viz. ‘(for every **full** (emphasis added) 1,000 gallons over the minimum, PWSA charges \$14.64)’, I should have been billed for only 1,000 gallons in (3) and (4) above irrespective of the partial gallons up to and including 999.9 gallons.¹⁰

(6)(i) Every monthly PWSA bill has a prominently displayed ‘**My Water Usage**’ section. When asked to point out a single statistic/graph pertaining to ‘my water usage’ on the monthly bill Ms. Mechling, in contradiction to her previous testimony, pointed to mislabeled ‘Gallons Used this Period’ as ‘gallons used’ during the period; mislabeled ‘Gallons Used this Period’ is actually ‘Gallons billed this period’.

On 9/14/22 (initial call-in telephonic hearing) Ms. Mechling testified, under oath, and stated categorically and unequivocally that actual gallons used are **not ‘displayed’** on the monthly water bill and are available on line only¹¹ (rationale given for not ‘displaying’ actual usage is without merit, and garble). By incessantly insisting that ‘Gallons Used this Period’ are ‘gallons used’ and not ‘gallons billed’ (even after this mislabeling had been pointed out), Ms. Mechling knowingly and gratuitously committed **perjury** during her testimony on Nov30, 2023; this should be of note to the Commission¹².

(ii) Although the section is titled ‘My Water **Usage** (emphasis added)’, there is not a **single** statistics/graph in this section about ‘water usage’; all the information ‘displayed’ is for ‘Gallons **Billed**’. It is for the commission to decide whether this is just happenstance or part of the gestalt^{2,3}, omission and obfuscation (see also 1(c), 1(d) and(7)), and a calculated attempt at misdirection. It is an exercise in (brazen) disinformation to the customer in the guise of having an ‘informed customer’.

(7) Ms. Mechling testified that PWSA practice is in line with other Water Utilities — the conceit that the **PUC approved Tariff** can be amended/alterd and abused by some implied consensus of the (regulated) utilities is audacious and odious sophistry that does violence to the very concept of ‘**regulated**’, rendering it functionally vacuous and insipidly inconsequential. Law requires **full and faithful** adherence with all the provisions of the **PUC approved Tariff**; self validating ‘practice is reasonable’¹³ and dubious ‘industry standards’¹³ are neither redeeming nor immunizing.

(8) The woeful inadequacies of the internal and external controls are distressingly troubling and unsettling¹⁴. The near death experience of my complaint, first by the clean bill of health given to the PWSA in the disposition of my informal complaint(4/4/22) and second by the ALJ order to mark the docket closed (1/4/23), should give commission pause, and cause for introspection. Were it not for the incisive analytics of the Commission staff¹⁵, my complaint would be part of the ash heap of impertinent irritants, and the PWSA in spite of vehemently proclaiming that ‘Tariff has force of law’ (9/14/22 hearing), will be free to trash the same **Tariff** at will.

To sum it all up — this is not a case of some inadvertent one-off infraction at the fringe; the **PWSA** is engaged in what can only be described as considered, systemic, and subversive (to what end) disregard of the **PUC approved Tariff, Rules, and Regulations** (exception: minimum charge) that is an affront to the PUC oversight function.

For the record, I AM EXTREMELY GRATEFUL AND INDEBTED TO THE COMMISSION AND ITS STAFF for keeping my complaint alive¹⁶.

Enclsr:

¹ Tirlochan S. Walia v. The Pittsburgh Water and Sewer Authority; OPINION AND ORDER, dated June 15, 2023, p 11 'Ms. Mechling was asked "Has your review of the Authority's records revealed any errors by the Authority in applying the **tariff-approved** (emphasis added) rates to [the] Complainant?" Ms. Mechling replied, "No it has not." Tr. At 44. Ms. Mechling stated, "Nothing indicates that there were **errors** (emphasis added) by PWSA in the application of the applicable rates to the Complainant's consumption." *Id.*'

² *ibid.* PP 11-12 All the examples of rollover proffered by the PWSA are innocuous and inconsequential sounding — but **grossly atypical, fallacious, and intentionally misleading** 5 gallons. At the rate of 5 gallons per month it will take 200 months of 'beyond' i.e. 16 years and 8 months (almost 17 years) of 'beyond' to accumulate billable 1,000 gallons. Over any 17 year period Tariff is likely to change more than once — which tariff does PWSA use to bill these accumulated 1,000 gallons; one at the beginning, at the end, at the middle, or some kind of weighted average?

³ *ibid.* p 14 'additional five(5) gallons rolls to next month, and **possibly** (emphasis added) beyond⁵ — actually for rollovers of less than 500 gallons 'iron-law' of arithmetic dictates that it is **assuredly** beyond (statistically, half the customers); for rollovers of more than 500 gallons, higher the rollover gallons the lower is the frequency of 'beyond'. The only exception is a stylistic example of rollover of exactly 500 gallons every month.

⁴ Tariff is silent on how to charge for partial 1,000 gallons, leaving it open to two alternative interpretations:
(i) truncate partial thousand gallons — this results in PWSA losing revenue of partial thousand gallons up to and including 999.9 gallons.
(ii) rounding-off the partial thousand gallons. [The PWSA flippant argument that 'rounding' consumption is not in public interest' (ID of the Office of ALJ, dated January 5, 2023, p 11, lines 9-10) lacks basis.]
Because of the disparate results of the two alternatives, the Tariff may want to clarify the methodology to be used. Conventionally, silence implies rounding-off.
Under no circumstance **rollover** may be mused. Each billing cycle must start with the counter at zero - rudimentary.

⁵ The Commission might be interested in evaluating the impact of this unlawful modality on the PWSA revenue. At a minimum the PWSA gets access to customer funds earlier than due under the approved Tariff — **unlawful taking**. See (4) , also enclsr to my letter to Secretary Chiavetta, dated June 26, 2023 (post on date 7/19/23).

⁶ Even mom-and-pop stores observe this commonsense basic principle.

⁷ Tirlochan S. Walia v. The Pittsburgh Water and Sewer Authority; O&O dated April 20, 2023, p 16.

⁸ *ibid.* p 15.

⁹ My original complaint was in-part a modest attempt to have the PWSA round off rather than (what I surmised - erroneously) round up 1,036.3 gallons to 2,000 gallons. Nobody, daresay including the Commissioners, could have ever entertained the possibility of such a widespread abusive disregard for the **PUC approved Tariff**.

¹⁰ I am cognizant of the fact that this results in PWSA losing revenue of all partial 1,000 gallons up to 999.9 gallons. See fn. 4. I am only underscoring the disingenuousness, if not outright misdirection.

¹¹ Tirlochan S. Walia v. The Pittsburgh Water and Sewer Authority; OPINION AND ORDER dated April 20, 2023 p 18. 'PWSA explained that it does not display charges in less than 1,000 gallons because the tariff provides that billing will be in 1,000 gallon increments. Tr. at 56. PWSA provided that Mr. Walia could see his usage online. Tr. at 57'

¹² If OATH means something more than a ritual, Office of the ALJ is obligated to address this serious breach.

¹³ Tirlochan S. Walia v. The Pittsburgh Water and Sewer Authority; OPINION AND ORDER dated April 20, 2023 p 10. 'PWSA notes that PWSA witness Julie Mechling testified that "PWSA" practice is reasonable and it's consistent with industry standards.'

¹⁴ A meaningful objective investigation with probity, rather than the perfunctory dispositive review with the tacit presumption of the PWSA being factually correct, of my informal complaint BCS No: 3823111 should have exposed widespread abuse of the Tariff.

An independent third party 'audit' would have had the same results.

¹⁵ Ideally this information should have been developed during handling of my informal complaint (fn. 14).

¹⁶ 1) The PWSA asked for summary dismissal dated June 10, 2022, of my complaint.
2) Initial Decision of the Office of ALJ dated January 4, 2023, ordering the docket be closed.
3) The PWSA asked for 'no merit' reconsideration dated May 5, 2023, of PUC O&O dated April 20, 2023.

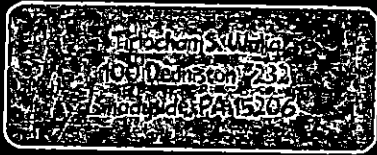
February 17, 2022 Bill — Iterations

		Time	Reading	Calculated Usage	PWSA (<i>fancied</i>) Billing Gallons
Actual ¹	2/14/22	09:00 PM	5,036.2		
	1/13/22	09:00 PM	3,999.9		
				1,036.3	2,000
Actual ² midnight	2/14/22	midnight	5,036.4		
	1/13/22	midnight	4,000.4		
				1,036.0	<u>1,000</u>

¹actual.

²actual, but meter readings at midnight.

NOTE: 1. 'Date' is ushered in/out at midnight not at 09:00 PM.
2. I learned to do these calculations, courtesy of the Commission staff.



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OCT 18 2024

PA PUBLIC UTILITY COMMISSION
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Ms. Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
HARRISBURG; PA 17120



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