

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Janet Louise Martin	:	
	:	
v.	:	C-2025-3052954 et al.
	:	
Pittsburgh Water and Sewer Authority	:	

**INTERIM ORDER
CURING *EX PARTE* COMMUNICATION,
GRANTING COMPLAINANT’S REQUEST TO RESCHEDULE HEARING,
AND DIRECTING RESPONDENT TO FILE RESPONSE**

Procedural History

First Formal Complaint, Docket No. C-2025-3052954

On December 26, 2024, Janet Louise Martin (Complainant or Ms. Martin) filed a Formal Complaint (First Complaint) with the Pennsylvania Public Utility Commission (Commission), against Pittsburgh Water and Sewer Authority (PWSA, Authority, or Respondent), docketed at C-2025-3052954, regarding service to a residence at 6729 Rowan Street, Pittsburgh, PA 15206 (service location). In the “other” box, Complainant averred she had written prior correspondence and that she had questions regarding a courtesy non-access notice she received. First Complaint ¶ 4.

Under requested relief, she averred the water service to the service location had been turned off, and PWSA was engaged in “questionable treatment” and “questionable billing.” First Complaint ¶ 5. She also wrote she had questions regarding: (1) “impervious surface area”, (2) “leak protection, increased billing accuracy,” (3) “amount of run-off generated by the property, how this is determined,” (4) “advanced metering infrastructure,” (5) the new storm water fee, (6) “green infrastructure,” and (7) maintenance of catch basins. First Complaint ¶ 5. In the “Additional Space” section, she alleged PWSA had engaged in illegal behavior requiring

police intervention, including trespassing, breaking and entering, and destruction of property. She claimed that PWSA had engaged in “racist disrespectful” behavior to her, her sister, and her neighbors. First Complaint p. 9. Attached to the Complaint was a 10-Day Shut Off Notice. Regarding service by the Commission, Complainant selected service by First-Class Mail, checking the box and initialing next to this option. First Complaint ¶ 9.

On February 3, 2025, PWSA filed an Answer (First Answer) admitting it issued termination notices due to Complainant’s failure to permit access to the meter. It explained that, on August 1, 2023, PWSA mailed Complainant a courtesy 37-Day Shut-Off Notice for Non-Access, explaining that PWSA plumbers needed to visit her property as part of the Advanced Metering Infrastructure (AMI) project and to verify that the water meter and remote reading device were working properly. First Answer ¶ 4. It explained that on May 14, 2024, PWSA sent Complainant a 30-day Shut-off Notice for non-access, but did so in accordance with its tariff and the Commission’s regulations. *Id.* PWSA denied the other material allegations in the Complaint.

Second Formal Complaint, Docket No. C-2025-3052956

On December 26, 2024, Complainant filed a second Formal Complaint against PWSA docketed at C-2025-3052956 (Second Complaint), that is identical to the First Complaint except for an additional handwritten page attached at the end alleging that she had paid a shut-off fee, yet PWSA still terminated water service.

On February 3, 2025, PWSA filed an Answer which was substantially similar to the Answer filed in response to the First Complaint and again denied the material averments in the Second Complaint.

Third Formal Complaint, Docket No. C-2025-3052957

On December 26, 2025, Complainant filed a third Formal Complaint against PWSA docketed at C-2025-3052957 (Third Complaint) which was identical to the Second Complaint.

On February 3, 2025, PWSA filed an Answer which was substantially similar to the Answer filed in response to the First and Second Complaints and again denied the material averments in the Third Complaint.

Proceedings before the Office of Administrative Law Judge

On February 4, 2025, Chief Administrative Law Judge Charles Rainey issued an Interim Order Setting Resolution Conference, at all three dockets, directing the parties to attempt to settle this matter.

The matters did not settle, so, on June 25, 2025, a Call-In Telephone Hearing Notice was served on the parties scheduling an initial telephonic hearing on August 13, 2025, at 10:00 a.m. and the case was assigned to me. The Hearing Notice provided the parties with the Toll-Free Bridge Number and the PIN to call and participate in the telephonic hearing.

On June 25, 2025, a Prehearing Order was served on the parties which reminded the parties of the date and time of the hearing. The Prehearing Order also stated the potential consequences if a party failed to appear at the hearing. Additionally, the Prehearing Order informed the parties about the applicable procedural rules and again included the procedure to follow for hearing continuances.

The Hearing Notice and Prehearing Order were served by First-Class Mail to Complainant at 2560 Centre Avenue, Apartment 603, Pittsburgh, PA, the address Complainant listed in Section 1 of all three Complaints. Neither the Hearing Notice nor the Prehearing Order were returned to the Commission as undeliverable.

On August 6, 2025, Conor Farley, Esq., counsel for PWSA, filed a Motion to Continue the hearing (Motion) due to the unavailability of its witnesses, Julie Mechling, Director of Customer Service, who was scheduled to attend a public input hearing on August 13, 2025, for the Authority's pending base rate case at R-2025-3055010 et al. He explained that he considered substituting either Brittany Schact, Deputy Director of Customer Service and/or Reginald Brown, PUC Compliance Manager, as witnesses for this matter – but both were also unavailable on August 13, 2025, for the same reason. Mr. Farley explained he attempted to contact Complainant to discuss the continuance request, but all his calls had gone unanswered and Complainant's voicemailbox is full, rendering the option of leaving a voicemail message impossible.

On August 11, 2025, I issued an Interim Order denying the Motion explaining that I was one of the presiding officers assigned to the PWSA base rate case and would also be attending the public input hearing, so if Ms. Martin's hearing was not concluded by 12:30 p.m., a second day of hearing would be scheduled. I further noted, "To the extent PWSA is unable to present its case fully on August 13, 2025, either due to the unavailability of its witness(es) or due to the time constraint of a 12:30 p.m. end time, I will schedule a further hearing." August 11, 2025 Interim Order at 4.

The August 11, 2025 Interim Order further consolidated all three Complaints under Docket No. C-2025-3052954.

The hearing convened as scheduled on August 13, 2025. Mr. Conor Farley, Esquire, was present on behalf of the Authority. Complainant was not present. Consistent with my standard practice, I reviewed the filings in this case to ensure Complainant received proper notice of the August 1, 2025 hearing. I discovered that the June 25, 2025, Notice and Prehearing Order were served upon Complainant by First-Class Mail at 2560 Centre Avenue, Apt. 603, Pittsburgh PA, which is the address appearing under Complainant's name on all three Complaints, but on the envelopes Complainant used to mail her Complaints, Complainant listed a return address in the upper left-hand corner of 5260 Centre Ave, Apt. 603, Pittsburgh, PA.

Mr. Farley noted that the address on Complainant's account was 5260 Centre Avenue, Apt. 603. Tr. 6. Mr. Farley also noted that the Company's records indicated that the service location is vacant. Tr. 10. Although Complainant averred in her Complaints that service had already been terminated at the service location, the Company's records indicated she did not reside there. I told Mr. Farley I was going to reschedule the hearing, sending a new notice and prehearing order to Complainant at both addresses. Tr. 11-12. Mr. Farley agreed to a reschedule date of September 2, 2025.

On August 13, 2025, a Further Hearing Notice was served on the parties rescheduling the initial telephonic hearing for September 2, 2025, at 10:00 a.m.

On August 13, 2025, a Prehearing Order was served on the parties which reminded the parties of the date and time of the hearing.

The August 13, 2025 Further Hearing Notice and Prehearing Order were served by First-Class Mail to Complainant at 2560 Centre Avenue, Apt. 603, Pittsburgh, PA, as well as 5260 Centre Ave, Apt. 603, Pittsburgh, PA. None of these mailings were returned to the Commission as undeliverable.

On September 2, 2025, I convened the hearing as scheduled. Mr. Farley was again present on behalf of Respondent along with one witness and was ready to proceed. The court reporter was also present. Complainant was not present at the start of the hearing, and the hearing proceeded in Complainant's absence. No testimony was taken, and no exhibits were introduced into the record. At the hearing, Respondent moved to dismiss the Complaints with prejudice due to Complainant's failure to appear and prosecute the Complaints. I took this motion under advisement.

On September 23, 2025, I received correspondence from Complainant. There is no indication that this correspondence was also served on counsel for the Company. Therefore, to cure the *ex parte* communication, a copy is attached to this Order.

The correspondence is a copy of the August 13, 2025 Prehearing Order, with Complainant's handwritten marks throughout. On the last page, Complainant wrote she is requesting a continuance of "at least a month or more," explaining that she just got out of the hospital and has been suffering from multiple health conditions. She apologized for the delay but she has "TRULY been ill." (emphasis in original).

Under the circumstances, and in order to ensure Complainant's due process rights are protected, I will reschedule the hearing. However, any additional requests from Complainant to reschedule or continue this matter must be accompanied by signed documentation from a third-party supporting the reason(s) for the request. Furthermore, while I will grant the request to reschedule the hearing, I have not decided whether to grant the request that the hearing be delayed "at least a month or more." The Company also has due process rights I must protect. Therefore, the Company shall be afforded an opportunity to respond to Complainant's request.

THEREFORE,

IT IS ORDERED:

1. That Complainant's request that the hearing be rescheduled is granted.
2. That any further requests from Complainant to continue, delay, or reschedule the evidentiary hearing in this matter must be accompanied by documentation signed by a third party supporting the request.
3. That, by **October 3, 2025**, the Company shall file a response to Complainant's request for a continuance of a month or more.
4. That prior to filing a response pursuant to Ordering Paragraph 3, the Company shall attempt to contact Complainant and discuss whether there is a mutually agreeable date to reschedule the hearing.

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION



Janet Louise Martin

v.

Pittsburgh Water And Sewer Authority

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:
:
:
:

C-2025-3052954

PREHEARING ORDER FOR TELEPHONE HEARING

AND NOW, this 13th day of August 2025, it is hereby ORDERED:

1. **DATE AND TIME OF HEARING.** An initial telephonic hearing will be held in this case on:

Tuesday, September 2, 2025, beginning at 10:00 AM

To participate in the hearing, you must dial the toll-free number listed below. You will be prompted to enter a PIN number, which is also listed below. You will be asked to speak your name, press the # key, and then the telephone system will connect you to the hearing. If you have any witnesses you want to have present during the hearing who are participating from a separate phone, you must provide them with the telephone number and PIN Number.

Toll-free Bridge Number: 888-547-8922
PIN Number: 74903461

2. **FAILURE TO APPEAR.** You must attend the hearing and present evidence on the issues raised in the pleadings. You may lose the case if you do not take part in this hearing and present evidence on the issues raised. Your case may be dismissed "with prejudice" which means that you will be barred from filing another complaint raising the same claim(s) and issue(s) presented in the dismissed complaint.

*Please See Back
Sheet*

3. CONTINUANCES. You may request a continuance of the hearing if you have a good reason. Continuances will be granted only for good cause. To request a continuance, you must submit a written request (a “motion”) at least five (5) days before the hearing. Your motion should be served pursuant to paragraph 5B below. Your motion should include:

- (1) The case name, case number, and hearing date;
- (2) The reason you are requesting a continuance; and
- (3) State whether the other party(s) agrees to the request (or if you do not know).

4. PRESENTING EXHIBITS. If you intend to present any documents or exhibits at the hearing, you must email one (1) copy to the Presiding Officer at edevoe@pa.gov and one (1) copy each must be sent to every other party pursuant to paragraph 5B below. All copies must be received at least five (5) business days before the hearing. Proposed exhibits should be properly pre-marked for identification purposes. **Do not include account numbers or any other personally identifiable information (PII), such as social security numbers, in your documents or exhibits. It is the parties’ responsibility to redact any PII contained within a document or exhibit before submitting it into the record.** Do not file your proposed documents or exhibits with the Secretary’s Bureau. However, you should file a Certificate of Service with the Secretary’s Bureau indicating you sent the proposed documents or exhibits to every other party.

Note that attachments to your Complaint or Answer are not admitted into the record unless submitted separately. Please be sure to have all pre-served exhibits with you at the time of the hearing. This hearing may be your only opportunity to present evidence in support of your complaint.

If you do not have access to email, you must mail your proposed exhibits to me at the mailing address below (see paragraph No. 5), and to every other party at their mailing address (see Service List attached). All copies must be received at least five (5) business days before the hearing.

5. FILING AND SERVING DOCUMENTS. When you file a document, you must provide the original to the PUC and serve a copy to the other party or parties. Instructions on how to file with the PUC and serve other parties are provided below.

A. FILING DOCUMENTS

(1) E-FILING. To file with the PUC, the PUC offers a free e-Filing Subscription Service. This service allows a user to file documents electronically and receive an automatic email notification whenever a document is added, removed, or changed on the PUC website in a specific case. For information and to subscribe to this service, visit the PUC's website at: <https://www.puc.pa.gov/filing-resources/efiling>

(2) PAPER FILING. If you do not have the capability to open and use an e-Filing account, you may file paper documents with the Secretary of the Commission. Filing of paper documents may be hand delivered or sent to:

Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

(3) CONFIDENTIAL MATERIAL. If a filing contains confidential or proprietary material, the filing should be submitted by overnight delivery to ensure arrival. Large filings containing confidential or proprietary material may also be submitted through the Commission's Share Point File system. These filings should be followed by a hard copy with a flash drive or CD for the Commission's file. Filers should contact the Secretary's Bureau in advance to set up a Share Point File before submitting the filing.

B. SERVING DOCUMENTS

(1) SERVING OTHER PARTIES. When you file documents with the PUC, you must also serve a copy on the other party or parties. You may serve a copy by U.S. First-Class Mail or by hand. You may also serve a copy by eService or email, if the

other party has agreed to electronic service. For your convenience, a copy of the PUC's current service list of all parties to this proceeding is enclosed with this Order.

(2) SERVING THE PRESIDING OFFICER. Be sure that you serve me directly with a copy of any document that you file in this proceeding at the time of its filing. You must email one (1) copy to the Presiding Officer's Legal Assistant Kayla Loukas at kloukas@pa.gov.

If you do not have access to email, you must serve me by mail, addressed to:

Emily I. DeVoe
Administrative Law Judge
PA Public Utility Commission
301 Fifth Avenue, Suite 220
Pittsburgh, PA 15222

6. DOMESTIC VIOLENCE VICTIM. If you are a domestic violence victim and you want to be considered for protections that may be available to domestic violence victims, you must submit a copy of your Protection from Abuse (PFA) Order or other Court Order issued by a Pennsylvania court, which provides evidence that you are a domestic violence victim. You should mark this Order as "CONFIDENTIAL." In the case of these Orders, we will take precautions to ensure that your address is not made public.

7. REPRESENTATION. If you are an individual, you may represent yourself or you may have an attorney representing you. All others, including a partnership, corporation, limited liability company, trust, association, or governmental agency or subdivision, must be represented by an attorney licensed to practice law in Pennsylvania, or admitted *pro hac vice*.¹ And, unless you are an attorney, you may not represent someone else.

¹ 52 Pa. Code §§ 1.21, 1.22.

8. BURDEN OF PROOF. The Complainant (the one filing the Complaint) bears the burden of proof and must present evidence sufficient to demonstrate that the utility has violated the Public Utility Code, or a regulation or order of the PUC.²

9. CONTACT INFORMATION. If your email address or telephone number changes during the course of the proceeding, you must immediately update the Office of Administrative Law Judge by calling 412.565.3550.

10. ACCOMMODATION. Any party who needs an accommodation for a disability in order to participate in this hearing process may request one. Please call the PUC scheduling office at least five (5) business days prior to your hearing to submit your request.

If you require an interpreter to participate in the hearing, we will have an interpreter present. Please call the scheduling office at the PUC at least ten (10) business days prior to your hearing to submit your request.

Scheduling Office: 717-787-1399

TTY-based Telecommunications Relay Service number
for persons with a hearing and/or speech impairment: 711

11. SETTLEMENT. The PUC's policy is to encourage settlements.³ The utility shall contact the Complainant at least one week before the scheduled hearing to talk over a possible settlement of this case. Even if you are unable to settle this case, you may still resolve many questions or issues during your talks. If an agreement is reached on all the issues, a formal hearing will not be necessary and the scheduled hearing will be cancelled.

12. PAYMENT ARRANGEMENT CASES. If you have requested a payment arrangement, you must be prepared to testify about the total gross monthly income of the household. A household includes all adults living at the service address and benefiting from the utility service. The "total gross monthly household income" includes, but is not limited to, the

² 66 Pa.C.S. § 332(a).

³ 52 Pa. Code § 5.231(a).

following: (a) the “before taxes or other deductions” pay from salaries, wages, tips or other compensation; (b) pension, retirement or social security benefits; (c) Supplemental Security Income (SSI); (d) unemployment compensation benefits; (e) workers’ compensation benefits; (f) alimony; and (g) any other source(s) of income.

The utility must prepare and submit the following documents at least five (5) business days before the hearing: (a) an account statement, showing the history of the account for a minimum of 24 months or the entire history of the account, whichever is less; (b) a copy of the most recent Bureau of Consumers Services (BCS) decision, if any; and (c) a brief summary of any payment arrangement(s) made between the utility and the customer.

The customer must make monthly payments for current usage on or before the billing due date while this complaint is pending. Failure to make payments may result in the utility terminating your service.

13. BILLING COMPLAINT. If you are claiming that there are incorrect charges on your utility bill, then you must be prepared to provide the dates that are important and an explanation about any amounts or charges that you believe are not correct.

14. VIOLATIONS. A finding of a violation of a PUC Order, regulation or statute may result in the imposition of a civil penalty consistent with 66 Pa. C.S. § 3301 or other provision of the Public Utility Code.

15. HEARING PROCEDURES. Although the hearing is being conducted telephonically for the convenience of the parties, it is still a formal hearing and will be conducted in accordance with the PUC’s Rules of Practice and Procedure at 52 Pa. Code Chapters 1, 3, and 5.

Please be sure to participate from a location where background noise will be minimized, and the reception is clear.

16. **FURTHER INFORMATION.** A guide to participating in a Formal Complaint proceeding is available on the PUC's website at: <https://www.puc.pa.gov/complaints/formal-complaints>

Date: August 13, 2025

/s/

Emily I. DeVoe
Administrative Law Judge

To: Administrative Law Judge
I am asking for a continuance of at least a month or more. I just got out of the Hospital UPMC-Magee Hospital with

① PNEUMONIA

② MONITORING OF HIP SURGERY

Please feel free to contact Medical Staff

Lisa Manetta, MHA, BSN, RN, CPHQ
Director of Quality Management
Patient Safety Officer

I apologize for delay contacting but I have TRULY been ill

James L. Martin

**C-2025-3052954 - JANET LOUISE MARTIN v. PITTSBURGH WATER AND SEWER
AUTHORITY (WATER)**

JANET LOUISE MARTIN
2560 CENTRE AVENUE APT 603
PITTSBURGH PA 15232
412.551.3326
Served via USPS First Class Mail – August 13, 2025

JANET LOUISE MARTIN
5260 CENTRE AVENUE APT 603
PITTSBURGH PA 15232
412.551.3326
Served via USPS First Class Mail – August 13, 2025

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PITTSBURGH WATER & SEWER AUTHORITY
PENN LIBERTY PLAZA I
1200 PENN AVENUE
PITTSBURGH PA 15222
412.393.0210
cfarley@pgh2o.com
Served via Email – August 13, 2025

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Served via eService – August 13, 2025

**C-2025-3052954, C-2025-3052956, C-2025-3052957 - JANET LOUISE MARTIN v.
PITTSBURGH WATER AND SEWER AUTHORITY**

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