

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Harry Bolton	:	
	:	C-2025-3056203
v.	:	
	:	
Pittsburgh Water and Sewer Authority	:	

**INTERIM ORDER
GRANTING RESPONDENT’S MOTION FOR CONTINUANCE**

On July 7, 2025, Harry Bolton (Complainant or Mr. Bolton) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against Pittsburgh Water and Sewer Authority (PWSA, Authority, or Respondent). In his Complaint, Mr. Bolton checked the box indicating he wanted a payment arrangement (PAR), as well as the “other” box. Complaint ¶ 4. In the “other” section, Mr. Bolton wrote, “The Pittsburgh Water is going to raise our bill the next two years. I am objecting to this. They sent out a letter with my bill stating if I can’t afford it to write to you. I am on a fixed income and I can’t.” Id. As relief, Mr. Bolton wrote, “They told me to write to you, and I can’t afford this. Stop them from doing this.” Complaint ¶ 5.

On July 18, 2025, PWSA filed a certificate of satisfaction.

PWSA currently has a base rate case pending before the Commission at R-2025-3055010 et al. (Rate Proceeding), which is assigned to me and Administrative Law Judge Ann Quimby.

On July 25, 2025, PWSA filed correspondence at C-2025-3056203 explaining that the certificate of satisfaction had been filed in error and requesting that Mr. Bolton’s Complaint be consolidated with the Rate Proceeding “due to nature of the allegations and relief sought in the Formal Complaint.”

On July 25, 2025, counsel for PWSA emailed me in my capacity as a Presiding ALJ in the Rate Proceeding, advising me that a rate complaint had been filed by Complainant, a PWSA customer. Mr. Bolton's Complaint was docketed by the Commission's Secretary's Bureau as a stand-alone Formal Complaint at C-2025-3056203, as a Complaint seeking a PAR, and was not cross-docketed at the docket for the Rate Proceeding, R-2025-305510.

After receiving the email from PWSA counsel, I contacted staff at the Commission's Secretary's Bureau to inquire whether Mr. Bolton's Complaint would be cross-docketed at the Rate Proceeding. The staff at the Commission's Secretary's Bureau advised me that because Mr. Bolton checked the box on the Complaint indicating he was seeking a PAR, it was filed separately and not as a rate complaint at the Rate Proceeding.

On July 29, 2025, the instant matter at C-2025-30562030 was assigned to me. After review of Mr. Bolton's Complaint, it was unclear to me whether he intended it to be a stand-alone Complaint seeking a PAR or whether he intended it to be a rate complaint to be docketed with the Rate Filing.

I directed my legal assistant to contact Mr. Bolton to see what kind of complaint he intended to file. Unfortunately, when my legal assistant called him at the telephone number he listed on his Complaint, the phone rang twice and then played a message that the call could not be connected. Mr. Bolton did not include an email address on his Complaint.

On July 30, 2025, I issued an Interim Order advising,

If Mr. Bolton intends to have his Complaint treated as a stand-alone complaint seeking a PAR, I will schedule an evidentiary hearing wherein he and PWSA representatives will appear and have the opportunity to present evidence. Mr. Bolton will have the burden of proof to show he is entitled to a PAR from the Commission.

If Mr. Bolton intends to have his Complaint treated as a rate complaint, the Complaint will be consolidated with the Rate Filing and Mr. Bolton will have an opportunity to participate as either an active or inactive party in the Rate proceeding. If Mr. Bolton intends to have his Complaint treated as a rate complaint, I encourage Mr. Bolton to respond quickly to this Order. The litigation schedule at the Rate proceeding is underway and public input hearing are scheduled for August 12 and 13, 2025.

It is necessary for Mr. Bolton to inform the Commission how he wants the Commission to treat his Complaint. Additionally, Mr. Bolton should provide updated contact information where the Commission can reach him.

Ordering Paragraph 4 of the July 30, 2025 Interim Order reads, “That if Mr. Bolton does not file any correspondence by August 6, 2025, I will treat his Complaint as a stand-alone complaint seeking a PAR, set a deadline for PWSA to file as responsive pleading, and set this matter for an evidentiary hearing.” Mr. Bolton did not file any correspondence by August 6, 2025. Therefore, per the July 29, 2025 Interim Order, his Complaint shall be treated as a stand-alone complaint seeking a PAR.

On August 19, 2025, I issued an Interim Order setting a deadline for PWSA to file an answer to the Complaint, September 8, 2025, and advising the parties that an evidentiary hearing would be scheduled.

On August 21, 2025, the Commission issued an Initial Telephonic Hearing Notice, scheduling this matter for a hearing on October 28, 2025.

On August 21, 2025, I issued a Prehearing Order, detailing the procedural rules for the hearing.

On September 8, 2025, PWSA filed an Answer, averring Complainant had no balance on his account and had a history of consistent timely payments. It denied Complainant needed a PAR.

On October 2, 2025, PWSA filed a Withdrawal and Entry of Appearance.

On October 14, 2025, PWSA filed a Motion to for Continuance of Hearing (Motion), explaining that the original attorney assigned to the case was no longer with the firm and the two new attorneys assigned were not available on October 28, 2025 due to both travelling for business. In the Motion, PWSA explained that Mr. Bolton opposed the continuance. Additionally, PWSA provided alternate dates it was available for a rescheduled hearing, including November 4, 2025. PWSA requested I waive the response time set forth in 52 Pa. Code § 5.103 and grant the motion expeditiously.

Discussion

As explained in my Prehearing Order, a party may request a continuance for good cause at least 5 days prior to the hearing. In this case, PWSA made its request more than 5 days before the hearing and complied with the other requirements for a continuance request.

PWSA, as a municipal water authority, is required by the Commission's regulations to be represented by counsel at the evidentiary hearing. 52 Pa. Code § 1.21, 1.22. The original hearing date was set without input from either of the current attorneys and before they were assigned to the case. Their unavailability due to travelling for business is good cause to grant a continuance.

Per the Notice to Plead attached to the Motion, the deadline for Complainant to file a response to the Motion is 20 days from the date of service of the Motion, or November 3, 2025, which has not yet passed. Furthermore, I note that this deadline is after the original hearing date of October 28, 2025. As such, after considering the averments made in the Motion,

and considering Mr. Bolton's objection to it, I am exercising my discretion and granting the Respondent's Motion now.

I am, however, going to reschedule this matter for the earliest date provided in PWSA's Motion – November 4, 2025 – which is exactly one week after the original date of October 28, 2025. This one week delay will not cause a significant delay in the resolution of this matter and does not substantially impact Complainant's due process rights.

THEREFORE,

IT IS ORDERED:

1. That the Motion for Continuance of Hearing filed by Pittsburgh Water and Sewer Authority is granted.
2. That the telephonic evidentiary hearing scheduled for October 28, 2025 is cancelled and rescheduled for 10:00 a.m. on November 4, 2025.
3. That the parties shall comply with all the terms of the Prehearing Order issued August 21, 2025 that are not inconsistent with this Order.

Date: October 17, 2025

_____/s/
Emily I. DeVoe
Administrative Law Judge

**C-2025-3056203 – HARRY L BOLTON v. THE PITTSBURGH WATER AND SEWER
AUTHORITY D/B/A PITTSBURGH WATER**

HARRY L BOLTON
318 JOHNSTON AVENUE
PITTSBURGH PA 15207
412.521.5715

Served via USPS First Class Mail - October 17, 2025

LAUREN M BURGE ESQUIRE
ECKERT SEAMANS CHERIN & MELLOTT LLC
600 GRANT STREET 44TH FLOOR
PITTSBURGH PA 15219
412.566.2146
502.352.0691

lburge@eckertseamans.com

Served via eService – October 17, 2025

(Counsel for The Pittsburgh Water and Sewer Authority d/b/a Pittsburgh Water)

BRYCE R BEARD ESQUIRE
ECKERT SEAMANS CHERIN & MELLOTT LLC
213 MARKET STREET
8TH FLOOR
HARRISBURG PA 17101
717.237.6041
717.858.3339

bbeard@eckertseamans.com

Served via eService – October 17, 2025

(Counsel for The Pittsburgh Water and Sewer Authority d/b/a Pittsburgh Water)