

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

OFFICE PARTNERS XXIII BLOCK G1)	
LLC,)	
)	
Complainant,)	
)	Docket Nos. C-2022-3033251
vs.)	C-2022-3033266
)	
THE PITTSBURGH WATER AND SEWER)	
AUTHORITY,)	
)	
Respondent.)	

**JOINT PETITION FOR APPROVAL OF THE SETTLEMENT OF ALL ISSUES BY
ALL PARTIES**

I. INTRODUCTION

Office Partners XXIII Block G1, LLC (“Office Partners”) initiated these consolidated actions before the Pennsylvania Public Utility Commission (“PUC”) against The Pittsburgh Water and Sewer Authority d/b/a Pittsburgh Water (“Pittsburgh Water”) (collectively, the “Joint Petitioners”) with regard to fees charged to Office Partners by Pittsburgh Water for tapping into Pittsburgh Water’s infrastructure (“tap-in fees”). The Joint Petitioners now submit this Joint Petition for Approval of the Settlement of All Issues (“Settlement”) and respectfully request that the Honorable Administrative Law Judge, Emily I. DeVoe “Judge DeVoe”, recommend approval of, and the PUC approve, the Joint Petitioners’ Settlement without modification.

In support of the Settlement, the Joint Petitioners state the following:

II. BACKGROUND

1. At all relevant times hereto, Office Partners was in the process of developing commercial property known as the FNB Financial Center, and Office Partners applied for a permit to tap-in to Pittsburgh Water’s infrastructure in 2021.

2. On or about January 31, 2022, Office Partners attempted to withdraw its 2021 application and resubmit applications for two adjacent parcels.

3. Office Partners and Pittsburgh Water subsequently disputed the amount of the tap-in fees due by Office Partners for tapping into the Pittsburgh Water infrastructure.

4. On February 25, 2022, Office Partners initiated a civil action sounding in mandamus with the Allegheny County Court of Common Pleas Court, Pennsylvania against Pittsburgh Water (“State Court Action”) to require the issuance of tap-in permits for a specific fee.

5. The Joint Petitioners thereafter agreed by Consent Order that Office Partners would pay \$506,647.18 as a bond to the Department of Court Records of Allegheny County and Pittsburgh Water would issue the permit with the Joint Petitioners to litigate their dispute as to the amount of tap-in fees properly due and owing before the PUC.

6. Per the Consent Order, the Allegheny County Court of Common Pleas retained jurisdiction over the Bond until either: (1) the conclusion of proceedings before the PUC; or (2) further order of the Allegheny County Court of Common Pleas.

7. On June 17, 2022, Office Partners initiated the current consolidated actions before the PUC.

8. On May 2, 2025, after each of the Joint Petitioners filed dispositive motions, Judge DeVoe issued an order and opinion wherein she, *inter alia*: (1) adopted the Joint Petitioners’ Stipulated Facts; (2) granted Office Partners’ Motion for Summary Judgment; (3) denied Pittsburgh Water’s Motion for Summary Judgment; and (4) determined that Pittsburgh Water should calculate the tap-in fees due from Office Partners by using the fee schedule in effect on March 15, 2022 – the date Office Partners paid the Bond.

9. On May 16, 2025, Office Partners filed their exceptions, and Pittsburgh Water filed exceptions on May 22, 2025.

10. The PUC Commissioners denied the exceptions of both Joint Petitioners and adopted the Initial Decision of the ALJ, as modified, consistent with the PUC's Opinion and Order dated September 11, 2025.

11. Subsequently, the Joint Petitioners entered into a written and fully executed Confidential Settlement Agreement and Mutual Release ("Settlement Agreement").

12. Pursuant to the Settlement Agreement, on October 14, 2025, the Allegheny County Court of Common Pleas entered a Consent Order of Court to release the Bond and accrued interest to Office Partners from the Department of Court Records of Allegheny County and, upon release of said funds, to mark the State Court Action settled and discontinued with prejudice.

13. Pursuant to a material term of the Settlement, the parties agreed that upon payment of the escrowed funds, this Joint Petition would be filed. Said funds have been paid.

14. As a condition and material term of the Settlement Agreement, the Joint Petitioners hereby file this Joint Petition.

III. SETTLEMENT

15. The Joint Petitioners have reached a mutually agreeable settlement.

16. This Joint Petition is being presented only in the context of the instant PUC consolidated actions in an effort to resolve the same in a manner that is fair and reasonable to the Joint Petitioners.

17. A resolution in this manner is fair and reasonable and consistent with the public interest.

18. The Settlement represents a carefully balanced compromise of the interests of the Joint Petitioners in the instant PUC consolidated actions.

19. The Settlement is presented without prejudice to any position which either of the Joint Petitioners may have advanced and without prejudice to the position either of the Joint Petitioners may advance in the future on the merits of the issues in future proceedings except to the extent necessary to effectuate the terms and conditions of the Settlement.

IV. REQUEST FOR RELIEF

WHEREFORE, Joint Petitioners, by their respective counsel, respectfully request that the ALJ approve the Settlement, without modification, and that the instant consolidated actions be marked as settled and discontinued with prejudice.

Respectfully submitted,

Date: October 29, 2025

By: 

David M. Nernberg, Esq.
Pa.I.D. No. 205631
Maurice A. Nernberg & Associates

*Counsel for Complainant,
Office Partners XXIII Block G1 LLC*

Date: October 29, 2025

By: 

Ashley L. Buck, Esq.
Pa.I.D. No. 320537
Clark Hill PLC

*Counsel for Respondent,
The Pittsburgh Water and Sewer Authority*

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ORDER OF COURT

AND NOW, this _____ day of _____, 2025, it is hereby ORDERED that the **JOINT PETITION FOR APPROVAL OF THE SETTLEMENT OF ALL ISSUES BY ALL PARTIES** is hereby approved and the above-captioned consolidated actions shall each be marked settled and discontinued with prejudice.

BY THE COURT:

_____ J.

CERTIFICATE OF SERVICE

I, David M. Nernberg, hereby certify that a true and correct copy of the within **Joint Petition for Approval of the Settlement of All Issues by All Parties** was served upon all parties to the within matter, this date, via email, addressed as follows:

Ashley L. Buck, Esq.
CLARK HILL PLC
One Oxford Centre
301 Grant Street, 14th Floor
Pittsburgh, PA 15219
abuck@clarkhill.com

Date: 10/29/25



David M. Nernberg, Esq.
Pa.I.D. No. 205631

*Counsel for Complainant,
Office Partners XXIII Block G1 LLC*