

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Tirlochan S. Walia	:	
	:	
v.	:	F-2022-3032572
	:	
Pittsburgh Water and Sewer Authority	:	

**INITIAL DECISION ON REMAND**

Before  
Emily I. DeVoe  
Administrative Law Judge

**INTRODUCTION**

This decision dismisses a Formal Complaint on remand, finding that Complainant failed to present substantial evidence that Pittsburgh Water and Sewer Authority was not billing consistent with its Commission-approved tariff, that Respondent’s Commission-approved tariff was no longer reasonable, or that the application of the existing billing tariff was applied unreasonably.

**HISTORY OF THE PROCEEDINGS**

On May 9, 2022, Tirlochan S. Walia (Complainant or Mr. Walia) filed a Formal Complaint with the Pennsylvania Public Utility Commission (Commission)

against The Pittsburgh Water and Sewer Authority (Respondent, Company, or PWSA).<sup>1</sup> In pertinent part, Complainant alleged there is an inequity in two of Respondent’s billing practices: (1) billing in blocks of 1,000 gallons and (2) billing periods varying from 26-35 days. Complaint ¶ 4. For relief, Complainant asked the Commission to order PWSA to do the following:

Bill by gallons and maintain a constant calendar date billing period.

If for some reasons, not apparent, it is not feasible; then at least standard concept of rounding off should be used, whereby up to 1,499 gallons will be billed as one thousand gallons, anything between 1,500-2,499 gallons will be billed as two thousand gallons, and so on.

Complaint ¶ 5.

### Answer and Preliminary Objections

Respondent filed an Answer<sup>2</sup> and Preliminary Objections (POs) on June 10, 2022. Respondent averred in pertinent part as follows:

#### **PWSA’s Billing Practices**

- (a) It is admitted that PWSA’s bills are based on 1,000-gallon increments of water consumption. By way of further

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<sup>1</sup> The Complaint sought timely review of the Commission’s Bureau of Consumer Services’ (BCS) decision entered on April 4, 2022, at BCS No. 3823111, which found that Complainant’s billings were based upon actual meter readings and in accordance with the definitions for a billing month.

<sup>2</sup> Respondent’s Answer is captioned “THE PITTSBURGH WATER AND SEWER AUTHORITY’S ANSWER AND NEW MATTER TO FORMAL COMPLAINT.” However, the filing does not contain a separate section titled New Matter, nor is there a Notice to Plead to New Matter. Thus, for clarity the filing is referred to as an Answer.

response, this billing practice is consistent with PWSA's Commission-approved tariff. PWSA is required by the Public Utility Code to follow its tariff, which the appellate courts have described as having the force of law and being binding on both the utility and its customer.

- (b) It is admitted that PWSA's billing period is not a constant number of days each month and that it can vary from 26 to 35 days. By way of further response, this practice is consistent with the Commission's regulations. Section 56.2 of the regulations defines a billing month as being a period "of not less than 26 days and not more than 35 days," except under specified circumstances that permit public utilities to bill for less than 26 or more than 35 days. Nothing in that provision requires a public utility to maintain a billing period with a constant number of days each billing month.

Answer ¶¶ 4a and 4b. (Footnotes omitted).

Thus, Respondent argued Complainant failed to allege a violation by PWSA of its tariff or a violation by PWSA of the Public Utility Code (Code), a Commission regulation, or a Commission order. For relief, Respondent requested that the Complaint be dismissed.

In its POs, Respondent argued, in part, that the Complaint was legally insufficient for the following reasons:

10. The material factual averments in the Complaint are that PWSA bills for water consumption in 1,000-gallon increments and that the Authority's billing period varies from 26 to 35 days. In the Complainant's opinion, which the Commission is not required to accept as true for purposes of preliminary objections, PWSA should either bill for consumption based upon each gallon used or implement a rounding method for billing. It is further the Complainant's opinion that PWSA should maintain a constant billing period each month.

11. Assuming for purposes of these Preliminary Objections that the material factual averments in the Complaint are true, they do not demonstrate a violation of the Public Utility Code, Commission regulations, or a Commission order.

12. PWSA's Commission-approved water tariff provides for the Authority to bill in 1,000-gallon increments. . . . Section 1303 of the Public Utility Code requires public utilities to adhere to their tariffs. Further, the appellate courts in Pennsylvania have long and consistently held that tariffs have the force of law and are binding on both the utility and its customer. Therefore, it is not within PWSA's power to change its billing period that is set forth in a Commission-approved tariff.

13. The Commission's regulations define a billing month as being 26 to 35 days. Although the regulations permit variations from the 26- and 35-day billing periods, for specific reasons set forth therein, they do not require public utilities to maintain a constant number of days each billing month. Thus, a variation in the billing period of 26 to 35 days, for whatever reason, is consistent with the Commission's regulations.

14. As the Complainant has made no allegations that could lead to a finding that PWSA violated the Public Utility Code, Commission regulations or a Commission order, there is no reason for going to a hearing. Dismissal of the complaint would conserve valuable resources and promote judicial economy.

PO ¶¶ 10-14. (Footnotes omitted).

Respondent's POs contained a Notice to Plead. Complainant did not file a response.<sup>3</sup>

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<sup>3</sup> An answer to a preliminary objection may be filed within 10 days of date of service. 52 Pa. Code § 5.101(f)(1).

By Notice dated July 14, 2022, the Parties were informed that this case was assigned to Administrative Law Judge Conrad Johnson (ALJ Johnson) as the presiding officer.

### Interim Order on Preliminary Objections

On August 3, 2022, ALJ Johnson issued an Interim Order (First Interim Order), granting in part and denying in part Respondent's POs. ALJ Johnson granted Respondent's POs to the extent that the Commission's regulations authorize billing periods varying between 26 and 35 days. ALJ Johnson explained that under the Code, a billing month is defined as a period of not less than 26 days and not more than 35 days, except in certain circumstances, which do not apply to the Complaint. *See* 52 Pa. Code § 56.2. ALJ Johnson held that Respondent's billing periods did not constitute a violation of the Code, the Commission's regulations, or a Commission order, and dismissed those claims.

The First Interim Order denied Respondent's POs to the extent that Complainant was challenging the reasonableness of PWSA's tariff pertaining to billing in increments or blocks of 1,000 gallons of water consumption. ALJ Johnson explained that a utility's Commission-approved tariff is *prima facie* reasonable. However, a complainant may later challenge the tariff by establishing that the facts and circumstances have changed so drastically as to render the application of the tariff provision unreasonable. *Brockway Glass Co. v. Pa. Pub. Util. Comm'n*, 437 A.2d 1067 (Pa. Cmwlth. 1981) (*Brockway*); *see* First Interim Order at 6.

### The Initial Hearing and Initial Decision

By Notice dated August 3, 2022, the Commission scheduled this matter for an initial call-in telephonic hearing on September 14, 2022, at 10:00 a.m. On August 4,

2022, ALJ Johnson issued a Prehearing Order informing the parties about the procedures for the hearing.

The telephone hearing convened as scheduled. Complainant appeared, self-represented, and testified on his own behalf. Complainant did not offer any exhibits. PWSA was represented by Sarah C. Stoner, Esquire, who called one witness, PWSA's Director of Consumer Services, Julie Mechling. PWSA's witness sponsored pre-marked Exhibits 1 through 8, which were admitted into the record.

The evidentiary hearing generated a 64-page transcript, which was filed with the Commission's Secretary's Bureau on October 7, 2022. The record was closed by an Interim Order issued on October 11, 2022.

On January 5, 2023, ALJ Johnson issued an Initial Decision (I.D.), which denied and dismissed the Complaint in this matter, ruling that Complainant did not meet his burden of establishing that Respondent's Commission-approved billing tariff was no longer reasonable or that the application of the existing billing tariff was applied unreasonably. I.D. at 1, 12-13. Complainant filed Exceptions to the I.D. on January 19, 2023. Respondent filed Replies to Exceptions on February 13, 2023.

By Opinion and Order issued on April 20, 2023, the Commission addressed the Exceptions and Reply Exceptions. The Commission reasoned in part as follows:

Based upon examination of the billing data supplied by PWSA, we cannot agree with the ALJ that the Complainant has failed to carry his burden of proving PWSA's Commission-approved tariff is no longer reasonable or has been applied unreasonably. In order to conclude that the tariff is being applied reasonably, the facts of PWSA's billing method requires clarification as to why the Complainant's bills do not appear to match the tariff-approved billing method. PWSA testified that it was billing in accordance with its approved tariff. However,

we cannot agree with PWSA's assertion based on Mr. Walia's bills. It appears as if Mr. Walia may not have been billed in accordance with the terms of the tariff.

Opinion and Order entered on April 20, 2023, at 14.

The Commission continued:

Mr. Walia testified, and we confirmed, that on PWSA's website, a sample residential bill has a water consumption charge that indicates billing is for every 1,000-gallon increment over the 1,000-gallon minimum. Tr. at 22-23. Further, PWSA's witness, Ms. Mechling also testified that pursuant to PWSA's Commission-approved tariff, billing is for every 1,000-gallon increment over the 1,000-gallon minimum. Tr. at 39-42. Mr. Walia's bills do not seem to match this billing practice reflected in the sample bill on PWSA's website.

While PWSA testified that it billed in accordance with its tariff, Mr. Walia's bills for November 18, 2021 and February 17, 2022 do not appear to have been calculated in accordance with PWSA's Commission-approved tariff.

Therefore, we will remand the case to the OALJ for PWSA to review the customer's account, providing a refund to the customer, if necessary. PWSA shall also review its billing procedures to assure that its tariff is being correctly applied to the billing procedures.

*Id.* at 17-18.

Accordingly, the Commission ordered as follows:

1. That the Exceptions of Mr. Tirlochan S. Walia, filed on January 19, 2023, to the Initial Decision of Administrative Law Judge Conrad A. Johnson, issued on January 5, 2023, at this docket, are granted, in part, and denied, in part, consistent with this Opinion and Order.

2. That the Initial Decision of Administrative Law Judge Conrad A. Johnson, issued on January 5, 2023, at this docket, is modified, consistent with this Opinion and Order.

3. That this proceeding at Docket No. F-2022-3032572 is remanded to the Office of Administrative Law Judge for clarification, and/or the receipt of additional evidence, as necessary, consistent with this Opinion and Order.

4. That at the conclusion of the remanded proceeding, the presiding Administrative Law Judge shall issue a subsequent Initial Decision, consistent with this Opinion and Order.

5. That the Parties may file Exceptions and Replies to Exceptions pertaining to the subsequent Initial Decision, consistent with the provisions of 52 Pa. Code §§ 5.533 and 5.535.

*Id.* at 19-20.

#### Proceedings on Remand before ALJ Johnson

On April 27, 2023, a Notice of Initial In-Person Hearing on Remand was served upon the Parties informing them that an Initial In-Person Hearing on Remand would convene before ALJ Johnson in the Commission's Pittsburgh office on June 7, 2023, at 10:00 a.m.

On April 28, 2023, ALJ Johnson issued a Prehearing Order, which reminded the Parties about the June 7, 2023, remand hearing and informed them about the procedures for the remand hearing.

On May 5, 2023, pursuant to Section 5.572 of the regulations of the Commission, 52 Pa. Code § 5.572, Respondent filed a Petition for Reconsideration (Petition) of the Commission's Order entered on April 20, 2023, and requested that the

Commission adopt the Initial Decision entered in this proceeding and dismiss the Complaint.

On May 18, 2023, the Commission ruled as follows:

**IT IS ORDERED:** That the Petition for Reconsideration filed by the Pittsburgh Water and Sewer Authority on May 5, 2023, is hereby granted, pending further review of, and consideration on, the merits.

Opinion and Order entered May 18, 2023, at 3 (emphasis in original).

On May 19, 2023, ALJ Jonson issued an Interim Order cancelling the June 7, 2023, remand hearing and advising its scheduling would be held in abeyance pending the Commission's disposition of the Petition.

On June 1, 2023, the Commission issued a Notice cancelling the June 7, 2023, remand hearing.

On June 15, 2023, the Commission issued an Opinion and Order denying PWSA's Petition for Reconsideration. The Commission explained:

Upon review, we conclude that PWSA's arguments in its Petition are not new or novel, that we have thoroughly considered PWSA's arguments concerning the application of its tariff, and that our decision to remand the case to the OALJ is supported by substantial evidence in the record. There is a disconnect between what is prescribed in PWSA's tariff and Mr. Walia's account billing and/or what occurred for at least two months of Mr. Walia's recent billing. The Commission's questions regarding how PWSA applied its tariff to Mr. Walia's account billing are appropriate and necessary. The Commission is asking PWSA, by remand, to clarify why Mr. Walia's bills do not match the tariff. PWSA's arguments regarding the application of the tariff do not demonstrate a consideration that has not previously been heard or has been overlooked by the Commission.

Thus, we shall decline to reconsider our April 2023 Order on this basis.

Order and Opinion entered June 15, 2023, at 15.

On June 28, 2023, Complainant filed correspondence with the Commission, providing further argument regarding the issues raised in his Complaint.

On June 7, 2023, Complainant filed correspondence with the Commission regarding PWSA's rate case then pending before the Commission at Docket No. R-2023-3039920, *et al.* It is unclear from the Commission's online docket for the rate case whether Complainant's correspondence was docketed at the R-docket rate case or if it was only docketed at the instant C-docket complaint case.

On September 25, 2023, the Commission issued a Notice, scheduling an in-person remand hearing for November 30, 2023.

The remand hearing convened as scheduled. Complainant appeared self-represented and did not offer any exhibits. PWSA was represented by Ms. Lauren Burge, Esq., who called one witness, Ms. Mechling. PWSA's witness sponsored pre-marked Exhibit 9, which was admitted into the record. Exhibit 9 is a record of meter readings for Complainant's residence for November 2021 and February 2022.

The remand hearing on November 30, 2023 generated a 75-page transcript, which was filed with the Commission's Secretary's Bureau on December 21, 2023.

## Judge Change and Additional Proceedings on Remand

On March 24, 2025, the Commission issued a Judge Change Notice, reassigning this matter to me.

After review of the entire case record, I determined that the record was not sufficient such that I could render a written decision in response to the Commission's directive in its Opinion and Order entered on April 20, 2023. Therefore, on April 15, 2025, I issued an Interim Order directing PWSA to submit copies of all bills issued to Mr. Walia for service to 110 Denniston Street from September 1, 2021, to July 31, 2022, to me by email at [edevoe@pa.gov](mailto:edevoe@pa.gov) and to Mr. Walia by First-Class Mail. I explained that if Mr. Walia had any objection to the admission of these documents into the record, he should file his objection by May 7, 2025.

PWSA submitted the requested documents on April 24, 2025, and I have marked them as Exhibit ALJ 1.

On May 12, 2025, Mr. Walia filed correspondence with the Commission regarding the late-filed exhibits. He argued the documents were irrelevant to the issue of whether PWSA is billing him consistent with its tariff.

On June 12, 2025, I issued an Interim Order overruling Mr. Walia's objection to the admission of Exhibit ALJ 1 and admitting and attaching it into the record.

Upon review of the record, exhibits, and filings as of June 12, 2025, I had questions about the record which prevented me from rendering an Initial Decision as directed by the Commission in its Remand Order. Therefore, I issued an Interim Order dated July 31, 2025, which detailed my understanding of the parties' positions and

PWSA's billing practices for Mr. Walia's account. I posed questions to the parties and directed that an additional hearing be held to provide the parties an opportunity to respond and present additional evidence.

On July 30, 2025, the Commission issued a Further Telephonic Hearing Notice, scheduling a hearing for September 11, 2025.

The hearing convened as scheduled on September 11, 2025. Mr. Walia appeared *pro se*, and Ms. Burge appeared on behalf of the Authority. Ms. Mechling testified on behalf of the Authority. At the conclusion of the hearing, I set a deadline for the parties to file main briefs (September 25, 2025) and reply briefs (October 9, 2025).

On September 23, 2025, counsel for the Company emailed me advising that the transcript for the September 11, 2025 hearing had not yet been filed, and requesting an extension of the briefing deadlines so the Company would be able to refer to the transcript in its brief. I granted this request by Interim Order dated September 25, 2025, extending the deadline for main briefs to October 2, 2025, and reply briefs to October 16, 2025.

On September 24, 2025, Complainant filed his main brief/closing statement.

On September 26, 2025, the Transcript for the hearing held on September 11, 2025 was filed.

The Authority filed its main brief on October 2, 2025.

On October 16, 2025, the Authority filed a letter in lieu of a reply brief.

On October 21, 2025, the Commission received Complainant's reply brief/closing statement. Although the correspondence was received on October 21, 2025, it was post-marked October 16, 2025. Therefore, it is deemed as timely filed.

On October 22, 2025, I issued an Interim Order closing the record. The record consists of the Transcripts from the initial hearing on September 14, 2022, and the hearings on November 30, 2023, and September 11, 2025; as well as PWSA Exhibits 1-9 and ALJ Exhibit 1. The total transcript length is 187 pages.

This matter is ripe for adjudication.

#### FINDINGS OF FACT

1. Complainant Tirlochan Walia resides at 100 Denniston Street, Apartment 232, Pittsburgh, Pennsylvania (service location), where he receives water and wastewater service from Respondent. Tr. 6, 31.

2. Respondent Pittsburgh Water and Sewer Authority is a municipal authority created in 1984 and is responsible for producing and supplying water along with maintaining and operating the water and sewer infrastructure in Pittsburgh. Effective April 1, 2018, Respondent became subject to the jurisdiction of the Commission as a regulated public utility. *See* 66 Pa.C.S. §§ 3201-3209. Tr. 29.

3. Under its tariff, PWSA bills its residential customer based on 1,000-gallon increments of water consumption (billing tariff). Tr. 38-40.

4. PWSA's current billing tariff was approved by the Commission on January 11, 2022, in the rate proceedings at Docket Numbers: R-2021-3024773 [water],

R-2021-3024774 [wastewater] and R-2021-3024779 [stormwater]. Tr. 33, 40-41; PWSA Exhibit 3; Answer ¶ 2.

5. In relevant part, PWSA’s billing tariff as applied to residential customers provides as follows:

**PART I: SCHEDULE OF RATES AND CHARGES**

**Section A – Rates for Metered Service**

1. Minimum Charge\*: Each customer will be assessed a service charge based upon the size of the customer’s meter as follows except that residential customers residing in newly constructed townhomes who are required to install a meter larger than 5/8” for fire protection and due to City ordinance requirements, may request assessment of the 5/8” minimum charge and usage allowance:

<u>Meter Size</u>	<u>Minimum Gallons</u>	<u>Per Month Rate (Effective January 12, 2022)</u>	<u>Per Month Rate (Effective January 1, 2023)</u>
5/8"	1,000	\$27.00	\$26.52

2. Consumption Charge: In addition to the Minimum Charge, the following water consumption charges will apply for each 1,000 gallons above the Minimum Gallons for each meter size:

<u>Customer Class</u>	<u>Consumption Charge Rate per 1000 Gals.</u>	
	<u>Effective January 12, 2022</u>	<u>Effective January 1, 2023</u>
Residential	\$13.10	\$14.64

The rate under this schedule applies to all customers, except public fire protection and private fire protection customers, unless otherwise specifically identified in this tariff.

*\* Rate applies to City of Pittsburgh Municipal Accounts, but bills will be calculated based on a phase-in factor pursuant to 71 P.S. §§ 720.211 to 720.213.*

Tr. 22, 36, 38; PWSA Exhibit 3.

6. PWSA bills a residential customer, such as Complainant, who has a 5/8" meter, a monthly minimum water and wastewater conveyance charge whether or not the customer uses a full 1,000 gallons of water. Tr. 39.

7. In 2022, the minimum charge was \$27.00, and in 2025, it is \$31.54. Tr. 150.

8. In addition to the monthly minimum water and wastewater conveyance charge, PWSA bills residential customers in increments of 1,000 gallons of water for any monthly consumption that is excess of 1,000 gallons of water. Tr. 40.

9. For example, a residential customer who consumed 2,005 gallons in a certain billing period will be charged the minimum charge and the charge for 1,000 [additional] gallons of water consumed. Because the customer has only consumed 5 gallons of the 1,000 gallons increment between 2,000 and 3,000 gallons, the customer is only charged for 1,000 gallons over the minimum. Tr. 40.

10. In instances during a billing period in which a customer consumes a partial 1,000-gallon increment of water, the customer's partial consumption is carried over and added to the customer's consumption for the next billing cycle. Tr. 51.

11. Complainant has been receiving service from PWSA at the service location since May 17, 1995. Tr. 154.

12. The meter at the service location was replaced on September 24, 2021 as part of PWSA's efforts to upgrade its meters so it can bill in increments of less than 1,000 gallons. Tr. 154-155.

13. The new meters also promote leak detection and allow customers to see their daily usage and set alerts. Tr. 155.

14. On October 18, 2021, PWSA issued a bill to Mr. Walia for dates of service of September 14, 2021 through October 13, 2021. ALJ Ex. 1

15. The October 18, 2021 bill spans the period when the meter at the service location was replaced and includes usage data for meter x9740 (the old meter) for dates of service of September 14, 2021 through September 24, 2021, and usage data for meter x4648 (the new meter) for dates of service September 24, 2021 through October 13, 2021. ALJ Ex. 1.

16. The October 18, 2021 bill showed actual usage of 743.3 gallons; it included the minimum charge and no consumption charge. ALJ Ex. 1.

17. On November 18, 2021, PWSA issued a bill to Mr. Walia for dates of service October 13, 2021 through November 15, 2021. ALJ Ex. 1.

18. The November 18, 2021 bill showed actual usage of 1,298.6 gallons; it included a minimum charge and a consumption charge. ALJ Ex. 1.

19. On December 16, 2021, PWSA issued a bill to Mr. Walia for dates of service of November 15, 2021 through December 13, 2021. ALJ Ex. 1.

20. The December 16, 2021 bill showed actual usage of 867.2 gallons; it included a minimum charge and no consumption charge. ALJ Ex. 1.

21. On January 19, 2022, PWSA issued a bill for dates of service December 13, 2021 through January 13, 2022. ALJ Ex. 1.

22. The January 19, 2022 bill showed actual usage of 1,079.8 gallons; it included a minimum charge and no consumption charge. ALJ Ex. 1.

23. On February 17, 2022, PWSA issued a bill for dates of service of January 13, 2022 through February 14, 2022. ALJ Ex. 1.

24. The February 17, 2022 bill showed actual usage of 1,036.3 gallons; it included a minimum charge and a consumption charge. ALJ Ex. 1.

## DISCUSSION

### Legal Standards

#### Burden of Proof

As the party seeking affirmative relief from the Commission, a complainant has the burden of proof by a preponderance of the evidence. 66 Pa.C.S. § 332(a); *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990). A preponderance of the evidence is evidence that is more convincing, by even the smallest amount, than that presented by the opposing party. *Se-Ling Hosiery, Inc. v. Margulies*, 70 A.2d 854 (Pa. 1950). As a matter of law, a complainant must show that the named utility is responsible or accountable for the problem described in the Complaint to prevail and that the offense is a violation of the Public Utility Code, the Commission's

regulations, or order. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa. P.U.C. 196 (1990); 66 Pa.C.S. § 701.

Upon the presentation by the complainant of evidence sufficient to initially satisfy the burden of proof, the burden of going forward with the evidence to rebut the evidence of the customer shifts to the company. If the evidence presented by the company is of co-equal value or “weight,” the burden of proof has not been satisfied. The complainant now must provide some additional evidence to rebut that of the company. *Burleson v. Pa. Pub. Util. Comm’n*, 443 A.2d 1373 (Pa. Cmwlth. 1982) (*Burleson*). While the burden of going forward with the evidence may shift back and forth during a proceeding, the burden of proof never shifts. The burden of proof always remains on the party seeking affirmative relief from the Commission. *Milkie v. Pa. Pub. Util. Comm’n*, 768 A.2d 1217 (Pa. Cmwlth. 2001) (*Milkie*).

Additionally, any decision of the Commission must be supported by substantial evidence in the record; more is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. 2 Pa.C.S. § 704; *Norfolk & W. Ry. Co. v. Pa. Pub. Util. Comm’n*, 413 A.2d 1037 (Pa. 1980).

#### Rates — Just and Reasonable

Section 1301 of the Code requires that a public utility’s rates be just and reasonable. Section 1301 of the Code states as follows: “Every rate made, demanded or received by any public utility, or by any two or more public utilities jointly, shall be just and reasonable, and in conformity with regulations or orders of the commission.” 66 Pa.C.S. § 1301.

## Tariffs

A public utility's Commission-approved tariff is *prima facie* reasonable, has the full force of law, and is binding on the utility and the customer. 66 Pa.C.S. § 316; *Kossman v. Pa. Pub. Util. Comm'n*, 694 A.2d 1147 (Pa. Cmwlth. 1997); *Stiteler v. Bell Tel. Co. of Pa.*, 379 A.2d 339 (Pa. Cmwlth. 1977). Where a complaint involves an existing, Commission-approved tariff, the burden falls upon the customer to prove that the charge or rule is no longer reasonable or the application of the existing tariff at issue is applied unreasonably. *Brockway*.

## Positions of the Parties as Presented at the Initial Hearing

Complainant contended that PWSA's practice of billing in blocks of 1,000 gallons for water has the "potential for inequity." Tr. 16. In support of his contention, Complainant submits following:

The way PWSA bills you is they use the actual – let's say, for example, if I use 950 gallons in a month, then they will not adjust bill you on the bill – and bill me for the minimum amount and roll over the 950 gallons to the next billing period. And let's say for the next billing period I use 1,200 gallons. So, 1,200 plus 950 would be 2,150. So, they'll bill me in the next bill for an additional 2,000 gallons and carry over the other 150 in the next billing cycles.

Tr. 16-17. While PWSA would not stipulate to Mr. Walia's methodology (Tr. 19), he contended that PWSA's methodology of billing is meaningless and does not capture actual usage. Tr. 23. He argued that each billing cycle should start at zero gallons of usage. Tr. 23-24. To support his argument, Mr. Walia gave the following hypothetical:

Let's say customer A, customer A had a consumption of 1,000 gallons in the first month. So, you'd be billed

\$55.86.<sup>[4]</sup> In the second month it has a billing consumption of 1,000 gallons. You'd be billed \$55.86. For the two months, the total would be \$111.72. Now, customer B has a consumption of 999 gallons in first month. So as for the methodology, the bill would show consumption of zero and he would be billed at a minimum of \$46.13. In month number two, customer had a consumption of 1,001 gallons. So, 1,001 plus rolled-over 999 is 2,000. So, he would be billed for \$86.69. Total of \$132.82. That means all the old customers consumed 2,000 gallons during those two months, but customer B will be billed \$21.10 more.

Tr. 24-25. Continuing with his argument, Mr. Walia contended PWSA's billing cycles should start at zero gallons rather than rolling over gallon increments under 1,000 gallons into the next billing cycle. *Id.*

PWSA maintained its "practice of billing in blocks of 1,000 gallons is dictated by our Commission-approved tariff." Tr. 33. PWSA further argued that its billing practice is reasonable and consistent with industry standards. *Id.*

PWSA's witness, Director of Consumer Services Julie Mechling, explained the authority's billing methodology:

And we do assess a minimum charge based on the meter size on the monthly bill. For a residential customer, such as the Complainant, we charge a \$27 per month minimum water and wastewater conveyance charge. And that covers zero to 1,000 gallons of water consumed. So, whether or not the customer actually uses a full thousand gallons, that minimum is charged on a monthly basis.

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<sup>4</sup> In his hypothetical, Mr. Walia did not explain his calculation/assignment of the \$55.86 as the charge for a 1,000-gallon consumption or the assignment of \$46.13 as the minimum monthly charge. PWSA's testimony and documentary evidence established that the minimum monthly charge is \$27.00 for 1,000 gallons or less of water consumption in a billing cycle. *See* Tr. 22, 36, 38; Exhibit 3.

Thereafter, a consumption charge is assessed. And that is based on any usage over and above the first thousand gallons. So, when a customer uses a full thousand gallons over and above the minimum, they are then charged the charge per a thousand gallons.

Tr. 38-39. Ms. Mechling further explained as follows:

For example, a residential customer who consumed 2,005 gallons in a certain billing period, they will be charged the minimum charge and the charge for 1,000 [additional] gallons of water consumed. Because the customer has only consumed 5 gallons of the 1,000 gallons increment between 2,000 and 3,000 gallons, the customer is only charged for 1,000 gallons over the minimum.

Tr. 40. She noted that the additional five gallons would be carried over to the next billing cycle. Tr. 39-40, 51.

Ms. Mechling also addressed Mr. Walia's alternative request that PWSA charge based upon rounding charges up or down to the nearest 1000 gallons of water consumption. According to Ms. Mechling, rounding consumption is contrary to the industry standard and would result in PWSA undercharging and overcharging customers. Tr. 45. Ms. Mechling argued that rounding consumption is not in the public interest. *Id.*

#### Parties' Positions and Additional Evidence on Remand

After the matter was remanded, PWSA's bills to Mr. Walia were admitted as Exhibit ALJ-1. Further, PWSA provided additional testimony from Ms. Mechling on September 11, 2025.

Ms. Mechling again testified that PWSA's bills to Mr. Walia are correct. Tr. 149. She explained that PWSA charges customers a minimum charge, which includes

the first 1,000 gallons used. Tr. 150. In 2022, this charge was \$27.27 and in 2025, it was \$31.54. In addition to the minimum charge, PWSA also charges a consumption charge which is based on 1,000-gallon increments of water consumption that exceeds the first 1,000 gallons used each month. Tr. 151.

Ms. Mechling testified that PWSA is working on addressing technological limitations which prevent it from billing in increments of less than 1,000 gallons. Tr. 151.

### Analysis

As an initial matter, I note that the only issues I have before me on this remanded matter are to “review the customer’s account, providing a refund to the customer, if necessary,” and to determine whether Mr. Walia’s November 18, 2021 and February 17, 2022 bills were calculated in accordance with PWSA’s Commission-approved tariff. *See* Opinion and Order entered on April 20, 2023, at 18-19.

Prior to September 24, 2021, Mr. Walia was receiving service at the service location with meter x9740. On September 17, 2021, PWSA issued a bill for usage at the service location for usage registered by meter x9740. ALJ Ex. 1.

On September 24, 2021, the meter at the service location was replaced and Mr. Walia began service at the service location with meter number x4648. PWSA Ex. 8.

On October 18, 2021, PWSA issued a bill for dates of service of September 14, 2021 through October 13, 2021. Since this bill spans the period when the meter at the service location was replaced, it includes usage data for meter x9740 for dates of service of September 14, 2021 through September 24, 2021 and usage data for meter x4648 for dates of service of September 24, 2021 through October 13, 2021. *See* Ex. ALJ 1. For

purposes of this analysis, I am focusing solely on usage data for meter x4648. For meter x4648, the bill shows the following:

<b>Meter #:</b>	<b>0021134648</b>	<b>Type:</b>	<b>Residential</b>	
Current:	0	10/13/2021	Actual	(749.3 gallons)
Previous:	0	9/24/2021	Actual	
Usage	0			

ALJ Ex. 1

According to PWSA’s meter read data, on October 13, 2021, Mr. Walia’s actual usage was 749.3 gallons. PWSA Ex. 8; Tr. 157. I have included this number in the chart above in the right-most column.

Mr. Walia was billed PWSA’s minimum charge (\$27.27), and because the usage had not yet hit 1,000 gallons (i.e. there is a zero in the one-thousands place on the left-most column in the chart above), PWSA did not charge a consumption charge for the usage on meter x4648. ALJ Ex. 1. Per Ms. Mechling, these 749.3 gallons carry over to the next billing cycle. Tr. 39-40, 51.

On November 18, 2021, PWSA issued a bill for dates of service of October 13, 2021 through November 15, 2021. For meter x4648, the bill shows the following:

<b>Meter #:</b>	<b>0021134648</b>	<b>Type:</b>	<b>Residential</b>	
Current:	2,000	11/15/2021	Actual	(2,047.9 gallons)
Previous:	0	10/13/2021	Actual	(749.3 gallons)
Usage	2,000			(1,298.6 gallons)

According to PWSA’s meter read data, on November 15, 2021, Mr. Walia’s actual meter read was 2,047.9. PWSA Ex. 8. From October 13, 2021 (the last date of the prior billing cycle) through November 15, 2021 (the last day of the current

billing cycle), Mr. Walia actual usage was 1,298.6 gallons (2,047.9-749.3 = 1,298.6). PWSA Ex. 8; Tr. 157.

Mr. Walia was billed PWSA’s minimum charge (\$27.27), as well as a consumption charge for 1,000 gallons (\$12.25). ALJ Ex. 1.

The bill is correct because the minimum charge is always billed and includes the first 1,000 gallons used. Mr. Walia’s usage went from 0 gallons used as of October 13, 2021 to over 2,000 gallons used as of November 15, 2021. Although the actual usage was 749.3 gallons on October 13, 2021, PWSA counts it as “0” because it had not hit 1,000 gallons. Since the minimum charge covers the first 1,000 gallons of usage, he is only charged for one 1,000 gallon increment (the usage between 1,000 gallons and 2,000 gallons). The “extra” 47.9 gallons above the 2,000 gallons billed carries over to the next billing cycle. Tr. 157. Another way to think about this – the thousands place in the left-most column above is a “2,” and since a “2” is one more than “1”, he is charged for one volumetric increment in addition to the minimum charge. **What matters is the digit in the thousands place at the bottom of the left-most column. If that number is greater than 1,000, PWSA charges a volumetric charge for each 1,000 above 1,000.**

On December 16, 2021, PWSA issued a bill for dates of service November 15, 2021 through December 13, 2021. For meter x4648, the bill shows the following:

<b>Meter #:</b>	<b>0021134648</b>	<b>Type:</b>	<b>Residential</b>	
Current:	2,000	12/13/2021	Actual	(2,915.1 gallons)
Previous:	2,000	11/15/2021	Actual	(2,047.9 gallons)
Usage	0			(867.2 gallons)

According to PWSA’s meter read data, on December 13, 2021, Mr. Walia’s actual meter read was 2,915.1. PWSA Ex. 8. From November 15, 2021 (the last date of

the prior billing cycle) through December 13, 2021 (the last day of the current billing cycle), Mr. Walia actual usage was 867.2 gallons ( $2,915.1 - 2,047.9 = 867.2$ ). PWSA Ex. 8.

Mr. Walia was only billed PWSA’s minimum charge (\$27.27). He was not billed a consumption charge. ALJ Ex. 1.

The bill is correct because the minimum charge is always billed, and includes the first 1,000 gallons used. Mr. Walia’s usage remained at 2,000 gallons between November 15, 2021 and December 13, 2021. Because the actual meter read as of December 13, 2021 had not yet hit 3,000 gallons (i.e. the thousands digit in the left-most column above is a “0”), PWSA did not charge a new consumption charge. (Mr. Walia is only charged a consumption charge if the bottom number in the left-most column above is greater than 1,000.) The 915.1 gallons unbilled since November 18, 2021, carries over to the next billing cycle. Tr. 158.

On January 19, 2022, PWSA issued a bill for dates of service December 13, 2021 through January 13, 2022. For meter x4648, the bill shows the following:

<b>Meter #:</b>	<b>0021134648</b>	<b>Type:</b>	<b>Residential</b>	
Current:	3,000	1/13/2022	Actual	(3,994.9 gallons)
Previous:	2,000	12/13/2021	Actual	(2,915.1 gallons)
Usage	1,000			(1,079.8 gallons)

According to PWSA’s meter read data, on January 13, 2022, Mr. Walia’s actual meter read was 3,994.9. PWSA Ex. 8. From December 13, 2021 (the last date of the prior billing cycle) through January 13, 2022 (the last day of the current billing cycle), Mr. Walia’s actual usage was 1,079.8 gallons ( $3,994.9 - 2,915.2 = 1,079.8$ ). PWSA Ex. 8.

Mr. Walia was only billed PWSA’s minimum charge (\$27.25).<sup>5</sup> He was not billed a consumption charge. ALJ Ex. 1.

The bill is correct because the minimum charge is always billed and covers the first 1,000 gallons used. Because Mr. Walia only used 1,079.8 gallons, he was only billed the minimum charge, which includes the first 1,000 gallons used. The additional 79.8 gallons carried over to the next month. Tr. 159, 161. Note, the thousands place in the bottom of the left-most column above is a “1.” Mr. Walia would only be charged a volumetric charge in addition to the minimum charge if that number was greater than “1” (2 or higher).

On February 17, 2022, PWSA issued a bill for dates of service January 13, 2022 through February 14, 2022. For meter x4648, the bill shows the following:

<b>Meter #:</b>	<b>0021134648</b>	<b>Type:</b>	<b>Residential</b>	
Current:	5,000	2/14/2022	Actual	(5,036.2 gallons)
Previous:	3,000	1/13/2022	Actual	(3,994.9 gallons)
Usage	2,000			(1,036.3 gallons)

According to PWSA’s meter read data, on February 14, 2022, Mr. Walia’s actual meter read was 5,036.2. PWSA Ex. 8. From January 13, 2022 (the last date of the prior billing cycle) through February 14, 2022 (the last day of the current billing cycle), Mr. Walia actual usage was 1,036.3 gallons ( $5,036.2 - 3,994.9 = 1,036.3$ ). PWSA Ex. 8; Tr. 164-165.

Mr. Walia was billed PWSA’s minimum charge (\$27.25), as well as a consumption charge. ALJ Ex. 1.

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<sup>5</sup> Mr. Walia was billed \$27.25 for his monthly charge, rather than 27.27 charged the bill prior, because PWSA prorated the rate change that took effect January 1, 2022. Tr. 160.

The bill is correct because Mr. Walia was billed the minimum charge, which includes the first 1,000 gallons used, as well as a consumption charge for an additional 1,000 gallons (the gallons used between 1,000 gallons and 2,000 gallons). Tr. 166.

As a final matter, I note that the Commission, in its remand order, specifically cited PWSA’s website, noting its position that Mr. Walia’s bills may not be consistent with the example PWSA provides to its customers online. Although this website had not previously been entered into the record prior to the Commission’s Remand Order, during the hearing on September 11, 2025, I took judicial notice of the website at <https://www.pgh20.com/residential-commercial-customers/rates>. Tr. 176, 178. The example provided on the website (as the date of this decision) reads,

Sample Residential Customer Bill

Water	Rate
Water consumption is based on gallons of water consumed. All customers are charged for a minimum amount based on meter size. The average residential customer is billed for a 5/8” meter and 3,000 gallons of water each billing cycle.	
Water Minimum Charge (less than or equal to 1,000 gallons)	\$31.54
Water Consumption Charge (for every full 1,000 gallons over the minimum, Pittsburgh Water charges \$16.38)	\$32.76

The sample bill appears to be consistent with the evidence PWSA provided at the hearing. The minimum charge (\$31.54 in the example) is always charged and includes the first 1,000 gallons used. The example is based on a residential customer using 3,000 gallons. Since the first 1,000 gallons is already included in the minimum charge, the customer is billed for two 1,000 gallon increments for the 2,000 gallons used above the minimum of 1,000 ( $\$6.68 \times 2 = 13.36$ ).

It has taken me a *substantial* amount of time to understand PWSA’s billing practices with regard to Mr. Walia’s account. It is best to conceptualize the calculation by focusing on the one-thousands place when subtracting the previous month’s usage from the current usage, as I have in my charts throughout this decision. If the number in the thousands-place is a “0” or a “1”, PWSA does not charge a consumption charge in addition to the minimum charge. If the number in the thousands-place is greater than 1 (2 or higher), then one must subtract 1 from the number (to represent the 1,000 gallons included in the minimum charge) and the remaining number is the number of 1,000 gallon units for which the customer will be charged for the consumption charge.

PWSA’s tariff indicates it charges a minimum charge, which includes the first 1,000 gallons used. The tariff further notes that a consumption charge will be billed in addition to the minimum charge for each 1,000 gallons above the minimum gallons for each meter size. While Mr. Walia may have initially presented a *prima facie* case that his bills were not correct as rendered, I find that PWSA rebutted his evidence, and demonstrated the bills were correct and it billed Mr. Walia consistent with its tariff.

As I pointed out at the hearing on September 11, 2025, I *struggled* to understand this calculation, and I have been an administrative law judge with the Commission for almost six years and a judge for over 15 years. If I struggled this much to understand PWSA’s billing practices, I can only imagine how difficult it is for PWSA’s non-attorney/non-judge customers to understand.

Ms. Mechling testified at the September 11, 2025 hearing that PWSA has proposed to remove the minimum charge effective 2027 as part of its currently-pending base rate case. Tr. 167. She clarified that PWSA has not proposed to change its practice of billing in 1,000-gallon increments, as this is industry standard practice. Tr. 168. Whatever the outcome of the Authority’s pending base rate case, I encourage PWSA to take action to remove the minimum charge and simplify its billing practices.

In conclusion, I find that PWSA has correctly billed Mr. Walia's account consistent with its Commission-approved tariff. Mr. Walia presented no evidence showing that the tariff is no longer reasonable or the application of the existing tariff at issue is applied unreasonably. As such, the Complaint must be dismissed.

### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter in this proceeding. 66 Pa.C.S. § 701.
2. The party filing the complaint bears the burden of proving that he is entitled to relief from the Commission. 66 Pa.C.S. § 332(a).
3. Complainant must show that the respondent/utility company is responsible or accountable for the problem described in the complaint. Such a showing must be by a preponderance of the evidence. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (1990); *Se-Ling Hosiery, Inc. v. Margulies*, 70 A.2d 854 (Pa. 1950).
4. A public utility's tariff provisions that have been properly submitted to and approved by the Commission are *prima facie* reasonable. *Brockway Glass Co. v. Pa. Pub. Util. Comm'n*, 437 A.2d 1067 (Pa. Cmwlth. 1981).
5. Complainant has not met his burden of proving by a preponderance of the evidence that the named public utility is responsible or accountable for the problem described in his Complaint. 66 Pa.C.S. § 332(a).

