

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Harry L. Bolton

v.

Pittsburgh Water and Sewer Authority

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C-2025-3056203

INITIAL DECISION

Before
Katrina L. Dunderdale
Administrative Law Judge

INTRODUCTION

This Initial Decision dismisses the Formal Complaint filed by a utility customer against his water distribution and wastewater conveyance company, alleging the utility threatened to increase his bills and requesting a payment arrangement.

HISTORY OF THE PROCEEDING

On July 7, 2025, Harry L. Bolton (Mr. Bolton or Complainant) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against Pittsburgh Water and Sewer Authority (PWSA or Respondent) opposing PWSA’s statement of intent to increase his monthly bills and requesting a payment arrangement. In the Complaint, Mr. Bolton selected the option to receive all communications from the Commission via First Class Mail. Complaint ¶ 9.

On July 18, 2025, PWSA filed a Certificate of Satisfaction. On July 25, 2025, PWSA filed correspondence explaining that PWSA filed the Certificate of Satisfaction in error. In the same correspondence, PWSA requested Administrative Law Judge Emily I. DeVoe (ALJ DeVoe) consolidate the Complaint with a pending base rate proceeding¹ involving PWSA “due to nature of the allegations and relief sought in the Formal Complaint.”²

On July 30, 2025, ALJ DeVoe issued an Interim Order directing Complainant to file Correspondence. The Interim Order ordered Complainant to indicate in writing by August 6, 2025, if he wanted to seek a payment arrangement (PAR) and/or if he wanted to pursue a complaint against the proposed base rate increase. The Interim Order also advised Mr. Bolton that Respondent would be ordered to file an Answer, and the Complaint would be treated as a stand-alone complaint, if Mr. Bolton did not respond. Complainant did not respond.

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

On August 21, 2025, the Commission’s Office of Administrative Law Judge (OALJ) issued an Initial Telephonic Hearing Notice, scheduling this matter for a

¹ On June 4, 2025, PWSA filed a base rate case with the Commission at Docket No. R-2025-3055010 et al. (Rate Proceeding). On December 19, 2025, the Commission issued the Recommended Decision of Administrative Law Judges DeVoe and Ann Quimby.

² The Complaint was docketed separately from the base rate proceeding by the Commission’s Secretary’s Bureau because Mr. Bolton checked the box on the Complaint indicating he wanted a payment arrangement in addition to his objection to PWSA getting the Commission’s approval of its request to increase his monthly bills.

hearing on October 28, 2025, with ALJ DeVoe. Also, on August 21, 2025, ALJ DeVoe issued a Prehearing Order, detailing the procedural rules for the hearing.

On September 8, 2025, Respondent filed an answer in response to the Complaint. Respondent generally denied the allegations and averred the Complaint should be dismissed because Complainant disputes a proposed rate increase request pending before the Commission, and because Complainant indicated he sought a payment arrangement even though his account has no past due balance.

On October 14, 2025, PWSA filed a Motion for Continuance of Hearing (Motion), explaining that the original attorney assigned to the case was no longer with the firm and the two new utility attorneys were not available on the date of the hearing (October 28, 2025). In the Motion, PWSA explained that Mr. Bolton opposed the continuance.

On October 17, 2025, ALJ DeVoe issued the Interim Order Granting Respondent's Motion for Continuance, which granted the Motion and rescheduled the telephonic evidentiary hearing on October 28, 2025, to November 4, 2025.

On November 3, 2025, OALJ issued a Judge Change Notice which reassigned the presiding officer responsibility in this proceeding from ALJ DeVoe to Administrative Law Judge Katrina L. Dunderdale (ALJ Dunderdale).

On November 4, 2025, ALJ Dunderdale convened the hearing, as scheduled. Mr. Bolton appeared *pro se*. Mr. Bolton testified on his own behalf. Respondent was represented by Lauren Burge, Esquire, who presented the testimony of Julie Mechling, and presented two exhibits, which were marked and admitted as Pittsburgh Water Exhibits 1 and 2. Complainant and Respondent issued final statements on the hearing record in lieu of filing briefs.

On November 25, 2025, the Commission received the transcript from the initial hearing on November 4, 2025. The transcript of the hearing contains forty (40) pages.

On December 4, 2025, the presiding officer issued the Interim Order Closing the Hearing Record. The hearing record is now closed, and this matter is ready for disposition.

FINDINGS OF FACT

1. Complainant, Harry L. Bolton, resides at 318 Johnston Avenue, Pittsburgh, Pennsylvania (service address), a single-family residence where he has resided for his entire life. (Tr. 7, 18).
2. Respondent, Pittsburgh Water and Sewer Authority, is a public utility that provides drinking water service, wastewater conveyance service and stormwater service to the service address. (Tr. 18).
3. Complainant, who is 81 years old, is on a limited income and has resided alone at the service address since his wife died two years ago. (Tr. 7-9, 18).
4. Complainant pays PWSA between \$9 and \$27 each month. (Tr. 10).
5. PWSA provides drinking water service and wastewater conveyance service to its customers, in addition to providing stormwater service to its customers in the City of Pittsburgh, since April 1, 2018. (Tr. 17).
6. The bills Complainant receives from PWSA include charges for drinking water, wastewater conveyance and stormwater service, in addition to charges for

sewage treatment assessed by the Allegheny County Sanitary Authority (ALCOSAN). (Tr. 18).

7. There are no past due or unpaid charges on Complainant's account with PWSA. (Tr. 19).

8. Complainant typically uses 300 to 1,000 gallons of drinking water each month. (Tr. 21).

9. Complainant's water usage is so low each month that often PWSA only charges him sewage treatment charges by ALCOSAN in the amount of \$20 and reduced stormwater charges in the amount of \$1.52, without any charges due for water usage because his water usage is less than 1,000 gallons. (Tr. 22; Pittsburgh Water Exhibit 2).

10. Complainant is on PWSA's bill discount program which reduces his monthly bills and does not require him to pay any water or wastewater conveyance charges. (Tr. 23).

DISCUSSION

Section 1301 of the Public Utility Code (the Code),³ requires public utility rates to be just and reasonable and in conformity with the Commission's orders and regulations. Where a customer complains about an existing rate, there is a strong presumption the pre-existing Commission approved rates are just and reasonable.⁴ The burden of proof falls upon the customer to prove the previously approved rate is no

³ 66 Pa.C.S. § 1301.

⁴ *Duquesne Light Co. v. Pa. Pub. Util. Comm'n*, 715 A.2d 540 (Pa. Cmwlth. 1998); *Popowsky v. Pa. Pub. Util. Comm'n*, 669 A.2d 1029 (Pa. Cmwlth. 1995).

longer reasonable, by demonstrating “recent significant changes in circumstances in the interim.”⁵ Consequently, Complainant herein has the burden of proof and must demonstrate recent significant changes in circumstances which have caused the Commission-approved rate to be unjust and unreasonable.⁶ The absence of such a showing establishes *prima facie* evidence of the facts found in the prior order.⁷

Complainant argues he cannot afford service from PWSA, and he does not want his charges to increase. He contends his gas service costs have increased recently and he does not want an additional increase in the amount he pays PWSA.

Respondent contends there is no need for Mr. Bolton to get a payment arrangement because his account does not include any unpaid charges. PWSA asserts that it would discuss Mr. Bolton’s options if he cannot pay his bills in the future but does not foresee any problems for him. PWSA notes Mr. Bolton is a participant in PWSA’s bill discount program that reduces his stormwater charges and eliminates the water and wastewater conveyances charges in months when Mr. Bolton’s drinking water usage does not exceed 1,000 gallons. Respondent argues Mr. Bolton failed to meet this burden of proving PWSA violated the Public Utility Code, any Commission order or regulation, or its tariff.

The presiding officer is sympathetic to Complainant’s circumstances and appreciates that Mr. Bolton did not know about recent public input hearings concerning PWSA’s recent base rate request which were conducted near the service address. Mr.

⁵ *Zucker v. Pa. Pub. Util. Comm’n*, 401 A.2d 1377, 1380 (Pa. Cmwlth. 1979); *Schellhammer v. Pa. Pub. Util. Comm’n*, 629 A.2d 189 (Pa. Cmwlth. 1993).

⁶ 66 Pa.C.S. § 332(a).

⁷ “Whenever the commission shall make any rule, regulation, finding, determination or order, the same shall be *prima facie* evidence of the facts found and shall remain conclusive upon all parties affected thereby...” 66 Pa.C.S. § 316.

Bolton acknowledged, however, that he would not have been able to attend in person due to his physical limitations even if he had known about the public input hearings.

In this proceeding, Complainant was unable to show the current approved rate, which the Commission authorized previously, was unjust or unreasonable. Complainant was unable to show that Respondent's billing was contrary to the Public Utility Code, or the Commission's Orders and regulations.⁸ In addition, the Commission has not decided if PWSA's currently proposed rate increase will be granted, as of the date of the hearing in this matter. Lastly, Complainant is a customer in good standing who pays his bills on time and in full. There is no unpaid balance on his account with PWSA.

Complainant failed to meet the burden of proving he is entitled to a payment arrangement or that the Commission-approved rates are unjust and unreasonable. Accordingly, it is the determination of the presiding officer that the current Commission-approved rates are just and reasonable,⁹ and the Complaint will be dismissed in the Ordering Paragraphs below.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter of this proceeding. 66 Pa.C.S. § 701.

2. Complainant carries the burden of proving Respondent's previously approved distribution rate is no longer reasonable by demonstrating recent significant changes in circumstances. 66 Pa.C.S. § 332(a).

⁸ 66 Pa.C.S. § 332(a).

⁹ 66 Pa.C.S. § 316.

3. Whenever the Commission shall make any rule, regulation, finding, determination or order, the same shall be *prima facie* evidence of the facts found and shall remain conclusive upon all parties affected thereby. 66 Pa.C.S. § 316.

4. Complainant failed to meet the burden of proving Respondent's previously approved distribution rate is no longer just and reasonable. 66 Pa.C.S. § 332(a).

5. Complainant failed to carry his burden of proving that he is eligible for a Commission-issued payment arrangement. 66 Pa.C.S. § 332(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Complaint of Harry L. Bolton versus Pittsburgh Water and Sewer Authority, at Docket No. C-2025-3056203, is hereby dismissed.

2. That the docket of Harry L. Bolton versus Pittsburgh Water and Sewer Authority at Docket No. C-2025-3056203 shall be marked closed.

Date: February 3, 2026

/s/
Katrina L. Dunderdale
Administrative Law Judge