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June 12, 2026

**Via Electronic Filing**

Matthew L. Homsher, Secretary  
Pa. Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Re: Apexus Rosewell Owner LP v. The Pittsburgh Water and Sewer Authority d/b/a Pittsburgh Water, Docket No. C-2025-3059515

Dear Secretary Homsher:

Enclosed for electronic filing please find The Pittsburgh Water and Sewer Authority's ("Pittsburgh Water") Motion to Stay the Proceeding and Continue the Hearing with regard to the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,



Lauren M. Burge

Enclosure

cc: Cert. of Service w/enc.


**CERTIFICATE OF SERVICE**

I hereby certify that this day I served a copy of the enclosed Motion upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

**Via Email Only**

Mohammed Burny, Esq.  
Jonathan Kamin, Esq.  
Goldberg, Kamin & Garvin LLP  
Frick Building, Suite 1806  
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Date: June 12, 2026

  
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Lauren M. Burge, Esquire

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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Apexus Rosewell Owner LP,	:	
	Complainant,	:
	:	
v.	:	Docket No. C-2025-3059515
	:	
The Pittsburgh Water and Sewer Authority	:	
d/b/a Pittsburgh Water,	:	
	Respondent.	:

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**NOTICE TO PLEAD**

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**TO:** Mohammed Burny, Esq.  
Jonathan Kamin, Esq.  
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You are hereby notified that a reply to the enclosed **Motion** of The Pittsburgh Water and Sewer Authority must be filed within 20 days of the date of service, or as directed by the Administrative Law Judge. All pleadings must be filed with the Secretary of the Pennsylvania Public Utility Commission with a copy served to counsel for Pittsburgh Water, and where applicable, the presiding Administrative Law Judge.

File with:

Matthew Homsher, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120  
<https://efiling.puc.pa.gov>

With a copy to:

Lauren M. Burge, Esquire  
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Lauren M. Burge, Esquire

Date: June 12, 2026

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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Apexus Rosewell Owner LP,	:	
	:	
Complainant	:	
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v.	:	Docket No. C-2025-3059515
	:	
The Pittsburgh Water and Sewer Authority	:	
d/b/a Pittsburgh Water,	:	
Respondent,	:	

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**MOTION TO STAY THE PROCEEDING  
AND CONTINUE THE HEARING**

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Pursuant to 52 Pa. Code § 5.103, The Pittsburgh Water and Sewer Authority d/b/a Pittsburgh Water (“Pittsburgh Water” or “Respondent”) submits this Motion to Stay the Proceeding pending disposition of a forthcoming Petition for Declaratory Order (“Petition”) that Pittsburgh Water intends to file with the Pennsylvania Public Utility Commission (“Commission”). Pittsburgh Water’s Petition will seek to terminate a controversy and remove uncertainty regarding the status of its stormwater tariff and stormwater rates following a recent decision by the Supreme Court of Pennsylvania in *The Borough of West Chester v. Pa. State Sys. of Higher Educ. and West Chester Univ. of Pa. of the State Sys. of Higher Educ.*, 9 MAP 2023, 2026 WL 1204133 (hereinafter, *West Chester*).

It is Pittsburgh Water’s understanding that Apexus Rosewell Owner LP (“Apexus” or “Complainant”) intends to oppose this Motion. Given that the evidentiary hearing is scheduled for June 23, 2026, **Pittsburgh Water respectfully requests that this Motion be decided on an expedited basis, and that the June 23, 2026 hearing and corresponding exhibit deadline be continued to allow time for a ruling on this Motion.**

In the Complaint, Apexus challenges, *inter alia*, the charges for stormwater service provided by Pittsburgh Water to its property, and specifically challenges Pittsburgh Water's denial of its application for a stormwater credit. A telephonic evidentiary hearing is currently scheduled in this matter for June 23, 2026 at 10:00am.

During the pendency of this proceeding, on April 30, 2026, the Supreme Court of Pennsylvania issued its opinion in *West Chester*, finding that the stormwater charge imposed by the Borough of West Chester through an ordinance was a local tax rather than a fee for service, and further that West Chester University is immune from paying such a tax. For a variety of reasons that will be discussed in its Petition, Pittsburgh Water denies that the *West Chester* decision has any impact whatsoever on the legality of its stormwater rates, which are charged pursuant its Commission-approved stormwater tariff. However, the *West Chester* decision has created uncertainty about the status of Pittsburgh Water's stormwater charge among certain customers and various controversies have arisen as a result. In order to terminate these controversies and remove uncertainty, Pittsburgh Water will be filing a Petition with the Commission seeking a declaratory order affirming that Pittsburgh Water's stormwater rates, as reflected in its stormwater tariff, are legal and remain in full force and effect. The Commission's decision on the Petition will directly affect the outcome of this proceeding, as their complaint here relates to charges for stormwater service provided to the Complainant's property. Therefore, Pittsburgh Water respectfully requests that this proceeding be stayed pending disposition of its forthcoming Petition.

In support of this Motion, Pittsburgh Water avers as follows:

## **I. BACKGROUND**

1. Apexus filed a formal complaint against Pittsburgh Water with the Commission, which was served on Pittsburgh Water on December 30, 2025. The complaint, *inter alia*,

challenges the charges for stormwater service provided by Pittsburgh Water to its property, and specifically challenges Pittsburgh Water’s denial of its application for a stormwater credit.

2. On January 20, 2026, Pittsburgh Water filed a timely Answer with New Matter in response to the formal complaint, as well as Preliminary Objections.

3. Also on January 30, 2026, the Complainant filed its Answer to Pittsburgh Water’s Preliminary Objections, as well as a verification statement for the formal complaint.

4. On February 10, 2026, the Complainant filed its Reply to Pittsburgh Water’s New Matter.

5. On March 18, 2026, Administrative Law Judge Katrina L. Dunderdale issued an Interim Order granting in part and denying in part Pittsburgh Water’s Preliminary Objections. Pursuant to the Interim Order, the remaining issues include: “(1) whether the stormwater fee charged to Complainant was calculated correctly by Respondent and consistent with the Commission-approved tariff; (2) whether circumstances have changed so significantly since the Commission approved [Pittsburgh Water’s] tariff provision – permitting the imposition of the stormwater fee – that the imposition of the fee to Complainant’s account has become unjust and unreasonable despite its prior approval by the Commission; and (3) whether Respondent provided reasonable and adequate customer service when it denied Complainant’s request for a stormwater credit.”<sup>1</sup>

6. Pursuant to the April 20, 2026 Prehearing Order, this matter has been scheduled for a telephonic evidentiary hearing on June 23, 2026 at 10:00am before ALJ Dunderdale.

7. On April 30, 2026, the Supreme Court of Pennsylvania issued its decision in *West Chester*.

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<sup>1</sup> March 18, 2026 Interim Order at 8.

## II. MOTION TO STAY

8. Pittsburgh Water will be filing a Petition for Declaratory Order with the Commission in the coming weeks seeking to terminate controversy and remove uncertainty regarding the status of its stormwater rates and stormwater tariff following the *West Chester* decision.

9. As discussed above, in *West Chester*, the Supreme Court of Pennsylvania found that the stormwater charge imposed by the Borough of West Chester through an ordinance was a local tax rather than a fee for service, and further that West Chester University is immune from paying such a tax.

10. Pittsburgh Water categorically denies that *West Chester* applies to and/or governs Pittsburgh Water's stormwater rate. The *West Chester* decision rests upon an entirely different statutory and regulatory basis than the legal authority pursuant to which Pittsburgh Water imposes its stormwater charges, rendering *West Chester* inapplicable, as will be discussed in detail in the Petition.

11. However, the *West Chester* decision has created uncertainty among certain customers about the status of Pittsburgh Water's stormwater charge and controversies have arisen as a result. For example, in addition to the instant proceeding, Pittsburgh Water has other pending consumer complaints that question Pittsburgh Water's stormwater charge, and Pittsburgh Water expects that other similar complaints may be filed in the near future. Pittsburgh Water will be filing a Petition for Declaratory Order with the Commission in the coming weeks seeking to affirm that its Commission-approved stormwater rates and stormwater tariff remain in full force and effect, and that stormwater customers remain responsible for paying stormwater charges that were appropriately charged consistent with the tariff.

12. The Commission's disposition of Pittsburgh Water's forthcoming Petition will directly affect the outcome of this proceeding, as the Complainant is challenging the stormwater charges billed to its property and the denial of its stormwater credit application. Additionally, the *West Chester* decision could arguably be considered a changed circumstance relating to the application of the stormwater tariff to the Complainant, which is one of the remaining issues to be addressed in this proceeding pursuant to the March 18, 2026 Interim Order.

13. Staying this proceeding until the Commission issues a final order addressing Pittsburgh Water's forthcoming Petition will preserve the resources of the parties, the ALJ and the Commission, and will not prejudice the Complainant or its ability to pursue the Complaint following disposition of the Petition.

### **III. MOTION FOR CONTINUANCE**

14. The Commission's Rules of Administrative Practice and Procedure permit parties to file requests for continuance of a hearing. Requests for continuance will be considered for good cause shown, and should be filed at least 5 days prior to the hearing date. 52 Pa. Code § 1.15(b).

15. Similarly, the April 20, 2026 Prehearing Order that was issued in this proceeding provides that a continuance may be requested if a party has a good reason, and that continuances will be granted only for good cause. The Prehearing Order further notes that to request a continuance, a party must submit a motion at least 5 days before the hearing, which includes the case name, case number and hearing date; the reason for the request; and an indication of whether the other party agrees to the request.

16. Pittsburgh Water respectfully requests that the June 23, 2026 hearing be continued as necessary to allow for disposition of this Motion, which Complainant has indicated it will oppose. The recent decision in *West Chester* and Pittsburgh Water's forthcoming Petition

discussed above are good cause to continue the hearing (and to stay this proceeding) to avoid wasting resources while this Motion and Pittsburgh Water's Petition are addressed.

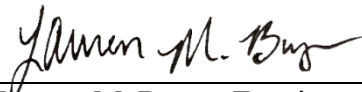
17. Pittsburgh Water submits that the reason for the requested continuance establishes good cause for the hearing to be rescheduled. Pittsburgh Water also notes that this request was made more than 5 days prior to the hearing date.

#### IV. CONCLUSION

WHEREFORE, Pittsburgh Water respectfully requests that Administrative Law Judge Katrina L. Dunderdale grant this Motion and stay the proceeding until the Commission issues a final order in Pittsburgh Water's forthcoming Petition for Declaratory Order regarding the status of its stormwater charge following the Pennsylvania Supreme Court's decision in *West Chester*.

**Pittsburgh Water respectfully requests that this Motion be decided on an expedited basis, and that, at a minimum, the June 23, 2026 hearing and corresponding exhibit deadline be continued to allow time for a ruling on this Motion.**

Respectfully submitted,



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Dated: June 12, 2026

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

Verification

I, Lauren M. Burge, am counsel for The Pittsburgh Water and Sewer Authority d/b/a Pittsburgh Water (“Pittsburgh Water”), and I hereby state that the facts set forth in the foregoing **Motion** are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Dated: June 12, 2026

  
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Lauren M. Burge