**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission : R-2016-2538660

Office of Consumer Advocate : C-2016-2540738

:

v. :

:

Community Utilities of Pennsylvania Inc. :

(Water Division) :

**PREHEARING CONFERENCE ORDER**

By correspondence dated May 25, 2016, a Prehearing Conference was scheduled in this matter for Wednesday, June 8, 2016, at 2:00 p.m. The prehearing conference will be held telephonically with parties dialing a conference toll-free bridge number provided to them by the presiding officer.

On April 6, 2016, Community Utilities of Pennsylvania Inc. Water Division (Community Utilities or Respondent), filed Supplement No. 1 to Tariff Water - Pa. P.U.C. No. 1 to become effective June 5, 2016, containing proposed changes in rates, rules, and regulations calculated to produce $427,817 (39.96%) in additional annual revenues from customers based on a historic test year ending December 31, 2015 and a future test year ending December 31, 2016. On April 19, 2016, the Office of Consumer Advocate (OCA) filed a Formal Complaint docketed at C-2016-2540738.

By Order entered May 5, 2016, and pursuant to 66 Pa. C.S. § 1308(d), Supplement No. 1 to Tariff Water - Pa. P.U.C. No. 1 will be suspended by operation of law until January 5, 2017, unless permitted by Commission Order to become effective at an earlier date.

By the same Order entered May 5, 2016, the Commission instituted an investigation into the lawfulness, justness and reasonableness of the proposed rate increases in the tariff filing. This investigation shall also include consideration of the lawfulness, justness, and reasonableness of the Respondent’s existing rates, rules, and regulations.

In accordance with the Commission’s Order, this matter was assigned to me.

The parties are reminded of the availability of the Commission’s rules on discovery, found in Subchapter D, Chapter 5 of Title 52 of the Pennsylvania Code, for learning the facts underlying each active participant’s position on the pending tariffs. The parties are hereby directed to comply with the following requirements:

Procedure

1. A request for a change of the scheduled Prehearing Conference date must state the agreement or opposition of other participants, and must be submitted in writing no later than three days prior to the Prehearing Conference. 52 Pa. Code § 1.15(b). Requests for changes of the Prehearing Conference date must be sent to us and all participants of record. The correct address of the undersigned is:

Administrative Law Judge Eranda Vero

Commonwealth of Pennsylvania Public Utility Commission

801 Market Street,

4th Floor, Suite 4063

Philadelphia, Pennsylvania 19107

Changes are granted only in the rare circumstance when good cause exists. In accordance with the foregoing, absent a continuance for good cause, all participants must be prepared to participate in the scheduled Prehearing Conference.

2. Participants should review the regulation pertaining to prehearing conferences, 52 Pa. Code § 5.222, and in particular subsection (d) which provides, in part:

(d) Parties and counsel will be expected to attend the conference fully prepared for a useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto.

The preparation should include, among other things, advance study of all relevant materials, and advance informal communication between the participants, including requests for additional data and information to the extent feasible.

**3. Each active participant must file and serve, by noon on Tuesday, June 7, 2016, a prehearing conference memorandum which sets forth the history of these proceedings, the issues you intend to present, a listing of your proposed witnesses and the subject of their testimony, and a proposed litigation schedule, preferably agreed upon by all the parties, that allows for a reasonable date to close the record. The proposed litigation schedule should also propose dates for receiving prepared written testimony prior to the hearing date and possible dates for public input hearings. If possible, consider settlement conferences when scheduling. The prehearing memorandum may also include proposed dates and places for public input hearings.**

4. Parties should review the regulation relating to discovery, specifically 52 Pa. Code § 5.331(b), which provides, *inter alia*, “part[ies] shall initiate discovery as early in the proceeding as reasonably possible,” and 52 Pa. Code § 5.322, which encourages participants to exchange information on an informal basis. All participants are urged to cooperate in discovery. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code

§§ 5.361, 5.371-372.

5. Pursuant to 52 Pa. Code §§ 1.21 and 1.22, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of

Pennsylvania, or admitted *Pro Hac Vice*, represent you. However, if you are a partnership, corporation, trust, association, limited liability corporation, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you in any of these proceedings. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa. Code § 1.24(b).

6. You must serve me directly with a copy of any document that you file in this proceeding. If you send me any correspondence or document, you must send a copy to all other parties that have declared they are actively participating in these proceedings. For your convenience, a copy of the Commission’s current service list of the participants to these proceedings is enclosed with this Order.

7. Each active participant should submit written testimony conforming to the requirements of 52 Pa. Code § 5.412(e) and exhibits with respect to these rate case proceedings. Prepared written testimony must be served on me and each active participant on a date established at the prehearing conference.

8. Service may be made electronically, to those parties who have agreed to accept service in that manner. Documents served electronically should be followed by a hard copy to the administrative law judge; however, documents served electronically need not be followed by service of a hard copy to the parties if the parties have so agreed. 52 Pa. Code § 1.54(b)(3). Service may be made by facsimile to those parties who have agreed to accept service in that manner. 52 Pa. Code § 1.54(b)(4). A final version in hard copy shall be stamped on the date due for filing with the Secretary regardless of any agreement among the parties. For this proceeding, I shall agree to electronic or facsimile service by active participants. In addition, I shall request that a hard copy of all documents be sent to the Philadelphia Regional Office. If active participants agree that documents can be submitted to them by fax and e-mail, fax and e-mail addresses will be included on the service list where those methods of service are accepted by the participants. The fax number for the Philadelphia Regional Office is (215) 560-3133. **Those parties that desire to be served by e-mail and/or fax provide the appropriate e-mail addresses and fax numbers in their prehearing memorandum.** The list of e-mail addresses and fax numbers of the parties that agree to such service will be provided in a subsequent order.

I have attached a service list to this Order. I believe the attached service list is current to-date. Parties should check their service list and make the appropriate changes. Please check the list provided with this Order for omissions and errors and contact the Philadelphia Regional Office to make corrections.

**9. If a party does NOT appear at the prehearing conference, that party will NOT be treated as an active participant to this proceeding unless the party has stated otherwise in writing no later than June 7, 2016, and has served that correspondence upon all parties of record to these proceedings. Inactive participants will receive the presiding officer’s written orders, notices of hearings and copies of any Commission decisions and orders. Inactive participants will not participate in discovery, testify at the evidentiary hearing, or cross-examine witnesses. Inactive participants will not receive copies of the hearing exhibits or briefs filed by the active participants. Any participant entering their appearance after June 8, 2016, must designate whether they want to be treated as an active participant in writing to the presiding officer and the current participants of record; otherwise said party will be treated as an inactive participant.**

10. Active participants will receive all documents and must copy all other active participants on documents sent to the Commission or the presiding officers. 52 Pa. Code § 1.54(c). Further discussion of an active participant versus and inactive participant may take place at the prehearing conference.

11. For purposes of developing a procedural schedule for these proceedings the following dates are relevant:

(a) The evidentiary record must close no later than August 19, 2016;

(b) The Main Briefs and Reply Briefs are due no later than September 8, 2016, and September 19, 2016, respectively; and

(c) The above dates are firm and cannot be later unless the public utility

provides an extension to the suspension date.

Dated: May 26, 2016 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Eranda Vero

Administrative Law Judge

**R-2016-2538660 - PA PUBLIC UTILITY COMMISSION v. COMMUNITY UTILITIES OF PENNSYLVANIA INC**

**SERVICE LIST**

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