**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :

:

v. : R-2017-2595853

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Pennsylvania American Water Company :

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The Pennsylvania Office of Consumer :

Advocate :

v. : C-2017-2603058

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Pennsylvania American Water Company :

:

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The Pennsylvania Office of Small :

Business Advocate :

:

v. : C-2017-2603512

:

Pennsylvania American Water Company :

**FIRST PREHEARING ORDER**

On April 28, 2017, Pennsylvania-American Water Company (Water and Wastewater), Utility Codes 212285 and 230073, filed Original Tariff Water-Pa. P.U.C. No. 5 and Original Tariff Wastewater-Pa. P.U.C. No. 16 to become effective June 27, 2017. The subject tariffs would increase Pennsylvania-American Water Company’s total annual operating revenues by approximately $107.9 million, or 16.4%, above the level of pro forma revenues for the fully projected future test year ending December 31, 2018.

During the period from May 4, 2017, forward, various informal Complaints were filed with the Commission with respect to the proposed increase.

On May 8, 2017, the Office of Consumer Advocate (OCA) filed a Formal Complaint and Public Statement at Docket No. C-2017-2603058.

On May 8, 2017, the Commission’s Bureau of Investigation and Enforcement (I&E), filed a Notice of Appearance.

On May 10, 2017, the Office of Small Business Advocate (OSBA) filed a Formal Complaint and Public Statement docketed at C-2017-2603512.

During the period from May 4, 2017, forward, the following Formal Complaints have also been filed: Noel Netel, Tobyhanna, Pennsylvania, at Docket No. C-2017-2601550; Barbara McDade, Luzerne, Pennsylvania, at Docket No. C-2017-2603050; Theresa Sylvester, Scranton, Pennsylvania, at Docket No. C-2017-2603078; Dolores Landis, East Norriton, Pennsylvania, at Docket No. C-2017-2603587; John Hooks, New Castle, Pennsylvania, at Docket No. C-2017-2603669; Casey Hogan, Coatesville, Pennsylvania, at Docket No. C-2017-2604355; Stockton Alloway, Parkesburg, Pennsylvania, at Docket No. C-2017-2604423; Fred W. Wesner, McEwensville, Pennsylvania, at Docket No. C-2017-2604854; and, Michael J. Saville, Exeter, Pennsylvania, at Docket No. C-2017-2604937.

At its public meeting on May 18, 2017, the Commission voted unanimously to suspend the filing by operation of law until January 27, 2018 pending an investigation in the lawfulness and reasonableness of the rates. The Commission assigned the case to the Office of Administrative Law Judge (OALJ) for this purpose.

In accordance with the provisions of 66 Pa.C.S.A. § 333 and 52 Pa. Code §§ 5.221-5.224, an Initial Prehearing Conference has been scheduled in the above-captioned cases in **Hearing Room 3, Commonwealth Keystone Building, 400 North Street, Harrisburg, Pennsylvania, on Thursday, May 25, 2017, at 1:00 p.m.**

THEREFORE,

IT IS ORDERED:

1. That an Initial Prehearing Conference shall be held at **10:00 a.m. on Thursday, May 25, 2017, at 1:00 p.m.**, in Hearing Room 3, Commonwealth Keystone Building, 400 North Street, Harrisburg, Pennsylvania. Any request for a change of the scheduled Prehearing Conference date must state the agreement or opposition of other parties and must be submitted in writing. 52 Pa. Code § 1.15(b). A change will be granted only where good cause is shown.

2. Pursuant to 52 Pa.Code § 1.55, each party shall be limited to one entry on the service list. Parties shall provide the name, business address, business telephone number, and business e-mail address of that person. The Office of Administrative Law Judge will not serve other individuals. It is incumbent upon lead counsel to provide copies to their witnesses and co-counsel.

3. **All parties must serve us directly** (electronically at [debuckley@pa.gov](mailto:debuckley@pa.gov), benmyers@pa.gov and by hard copy) with any document that you file in this proceeding, preferably in “Word” format, though it is understood that voluminous attachments may be in pdf format. If you send us any document or correspondence, you must send a copy to all other parties in the case. It is not sufficient to file with the Secretary’s Bureau and to expect us to receive a copy of your filing. Our correct USPS address is: P.O. Box 3265, Harrisburg, PA 17105-3265.

4. That on or before May 24, 2017, parties shall file and serve an Initial Prehearing Conference memoranda, including a copy by e-mail to the presiding officers, which shall include:

1. The information described in Paragraph 2, above.
2. Proposed orders with respect to discovery.
3. A proposed litigation schedule, agreed to by all parties if possible, which requires the filing of reply briefs by **October 15, 2017**. This date is not negotiable.
4. Names, business addresses, and telephone numbers of witnesses the party expects to call and the subject matter of each witness’ testimony.
5. A list of the issues and sub-issues of this proceeding which the party intends to address and a statement of the party’s position on each of the issues and sub-issues listed.
6. A statement describing the evidence the party proposes to present at hearing, relating the evidence to each of the issues and sub-issues the party intends to address.

5. Pursuant to 52 Pa.Code §§ 1.21-1.23, 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, 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 this proceeding. 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. Parties shall be prepared for useful discussion of all problems involved in the proceeding, both procedural and substantive. Parties’ representatives shall be fully authorized to make commitments, both procedural and substantive, on behalf of their represented party.

7. The following matters shall be addressed at the prehearing conference:

1. Establishment of the official service list.

(b) Establishment of a litigation schedule which requires the filing of reply briefs by **October 15, 2017**.

(c) Any modification of the Commission’s rules pertaining to discovery (52 Pa. Code, Subchapter D) and subpoenas (52 Pa. Code § 5.421).

(d) Other matters that may aid in the orderly conduct or disposition of the proceeding and the furtherance of justice, including but not limited to:

1. Simplification of the issues;
2. Obtaining admissions as to, or stipulations of, facts not in dispute, or the authenticity of documents which might properly shorten the hearing;

(iii) Limitations as to the number of witnesses;

(iv) Limitations of time and scope for direct and cross-examinations.

(v) Consolidation of proceedings.

(e) Any request for the issuance of a protective order.

(f) Requests for public input hearings, including proposed dates and locations.

8. Failure of a party to attend the Initial Prehearing Conference, without good cause shown, shall constitute a waiver of all objections to the agreements reached, and to an order or ruling with respect thereto.

9. Please review the regulations relating to discovery, specifically at 52 Pa. Code § 5.331(b), which provides, inter alia, that participants try to initiate discovery as early in the proceeding as possible, and 52 Pa. Code § 5.322, which encourages parties to exchange information on an informal basis. The parties are expected to pursue resolution of discovery issues among themselves. Motions to compel should be filed only after such efforts have failed. Any Motion for Sanctions MUST be preceded by a Motion to Compel.

Date: May 22, 2017

Dennis J. Buckley

Administrative Law Judge

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Benjamin J. Myers

Administrative Law Judge

**R-2017-2595853 – Pennsylvania Public Utiltiy Commission v Pennsylvania American Water Company**

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