

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	R-2018-3000019
v.	:	
	:	C-2018-3002564
The York Water Company	:	

**PREHEARING CONFERENCE ORDER**

A prehearing conference has been scheduled in this matter for Tuesday, June 26, 2018 at 1:00 p.m. in Hearing Room 2 of the Commonwealth Keystone Building, 400 North Street, Harrisburg. In anticipation of the prehearing conference, and in accordance with the provisions of 66 Pa.C.S. §333 and 52 Pa.Code §§5.221-5.224, this prehearing conference order is being issued. The parties shall comply with the following:

1. All parties must serve the Administrative Law Judge directly – by hard copy and email – with any document filed in this proceeding, including any documents filed with the Commission’s Secretary’s Bureau. Any documents or correspondence sent to the Administrative Law Judge must also be sent to all other parties in the case. The current service list is attached to this order. Documents and correspondence should be sent to the following:

Benjamin J. Myers  
Administrative Law Judge

Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, Pennsylvania 17120

Telephone: (717) 787-1399  
Fax: (717) 787-0481  
Email: benmyers@pa.gov

2. 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, joint venture, other business organization, trust, trustee, legal representative, receiver, agency, governmental entity, municipality or other political 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 ensure that their appearance is entered in accordance with the provisions of 52 Pa. Code § 1.24(b).

3. 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, business telefacsimile number (if any), and business e-mail address (if any) of the person they wish to have listed on the service list.

4. Failure of a party to participate in the conference shall constitute a waiver of all objections to the agreements reached, and any order or ruling made.

5. Please review the regulation pertaining to prehearing conferences, 52 Pa. Code § 5.222. Be prepared to discuss possibilities for settlement, discovery issues, issues relating to any hearings that may be held, service among parties and all other procedural issues relevant to this proceeding. In addition, note subsection (d), which provides, in part:

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. 52 Pa. Code § 5.222(d).

6. The following matters shall be addressed at the prehearing conference:
- a) Establishment of the official service list, and an informal e-mail distribution list.
  - b) Modification of the Commission's rules pertaining to discovery (52 Pa. Code, Subchapter D) and subpoenas (52 Pa. Code §5.421).
  - c) Other matters that may aid in the orderly conduct and disposition of the proceeding and the furtherance of justice, including but not limited to the following:
    - 1) Simplification of the issues;
    - 2) The obtaining of admissions as to, or stipulations of, facts not in dispute, or the authenticity of documents which might properly shorten the hearing;
    - 3) Limitations as to the number of witnesses;
    - 4) Limitations of time and scope for direct and cross-examinations.

7. On or before June 22, 2018, each litigating party shall file and serve a prehearing memorandum which shall include:

- a) The information described in Paragraph 3, above;
- b) A statement regarding possible settlement of the case, subject to approval of the Pennsylvania Public Utility Commission;
- c) A proposed plan and schedule of discovery;
- d) Other proposed orders with respect to discovery;
- e) A proposed schedule for the submission of written testimony, conducting an in-person hearing, and submission of briefs;
- f) Names, business addresses, and telephone numbers of witnesses the party expects to call and the subject matter of each witness' testimony;

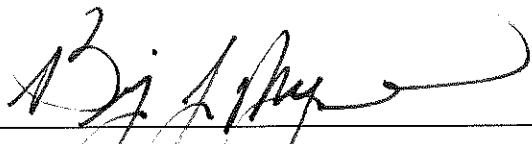
- g) A list of the issues and sub-issues of this proceeding which the party intends to address and a statement of the party's position on each of the issues and sub-issues listed;
- h) A statement describing the evidence the party proposes to present at hearing, relating the evidence to each of the issues and sub-issues the party intends to address.

8. Please review the regulations relating to discovery – specifically 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.

9. Any request for a change of the scheduled prehearing conference date shall state the agreement or opposition of other parties, and shall be submitted in writing no later than five (5) days prior to the prehearing conference. 52 Pa. Code §1.15(b). Requests for change must be sent to me, with copies to all parties of record.

10. Parties serving pre-served testimony pursuant to 52 Pa.Code § 5.412(f) shall be required, within thirty (30) days after the final hearing, to either eFile with or provide to the Secretary's Bureau a Compact Disc (CD) containing all testimony furnished to the court reporter during the proceeding, consistent with the Commission's Implementation Order, dated January 10, 2013, at Docket No. M-2012-2331973.

Date: June 15, 2018

  
\_\_\_\_\_  
Benjamin J. Myers  
Administrative Law Judge

R-2018-3000019, C-2018-3002564 - PA PUBLIC UTILITY COMMISSION v. THE YORK WATER COMPANY

MATTHEW POFF CONTROLLER  
THE YORK WATER COMPANY  
130 EAST MARKET STREET  
YORK PA 17401  
717.718.7549  
ACCEPTS E-SERVICE

MICHAEL W HASSELL ESQUIRE  
12TH FLOOR  
17 NORTH SECOND STREET  
HARRISBURG PA 17101-1601  
717.612.6029  
ACCEPTS E-SERVICE

HAYLEY E DUNN ATTORNEY  
OFFICE OF CONSUMER ADVOCATE  
555 WALNUT STREET 5TH FLOOR  
FORUM PLACE  
HARRISBURG PA 17101  
717.783.5048  
ACCEPTS E-SERVICE

JOHN M COOGAN RATE COUNSEL  
PUC BUREAU OF INVESTIGATION AND ENFORCEMENT  
400 NORTH STREET 2ND FLOOR WEST  
HARRISBURG PA 17120  
717.783.6151  
ACCEPTS E-SERVICE

STEVEN GRAY ESQUIRE  
OFFICE SMALL BUSINESS ADVOCATE  
300 NORTH SECOND STREET SUITE 202  
HARRISBURG PA 17101  
717.783.2525  
*Representing Office of Small Business Advocate*