BEFORE THE

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission : R-2018-3003104

Ray and Donna McCarthy : C-2018-3003507

:

v. :

:

Timberlee Valley Sanitation Company, Inc. :

**PREHEARING CONFERENCE ORDER**

An initial prehearing conference in this case is scheduled for Friday, September 7, 2018, at 1:30 p.m. To participate in the hearing, you must dial the toll-free number listed below. You will be prompted to enter a PIN number, which is also listed below. You will be asked to speak your name and then the telephone system will connect you to the hearing. If you have any witnesses you want to have present during the hearing, you must provide them with the telephone number and PIN number.

Toll-free Bridge Number: 1-855-750-1027

PIN Number: 177541

1. Please review the regulations pertaining to prehearing conferences, 52 Pa. Code §5.221- §5.224, and in particular, §5.222(d) which provides, in part:

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

(1) The preparation must include submission of a prehearing memorandum and list:

(i) The presently identified issues.

(ii) The names and addresses of the witnesses.

(iii) The proposed area of testimony of each witness.

(2) The preparation may include:

(i) Development of a proposed procedural schedule.

(ii) Advance study of all relevant materials.

(iii) Advance informal communication between the parties, including requests for additional data and information, to the extent it appears feasible and desirable.

(Emphasis added.)

2. Each party must prepare and distribute a prehearing memorandum which sets forth the history of the proceeding, the issues you intend to present, and a listing of your proposed witnesses and the subject of their testimony due in hand by noon on Thursday, September 6, 2018.

3. Please review the regulations relating to discovery, specifically 52 Pa. Code §5.331(b), which provides, inter alia, that “a party shall initiate discovery as early in the proceedings as reasonably possible,” and 52 Pa. Code §5.322, which encourages participants to exchange information on an informal basis. I urge all parties to cooperate in discovery. Such cooperation is preferable to numerous or protracted discovery disagreements, which require the presiding officer’s participation for resolution. Please be aware that there are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§5.361, 5.371‑5.372.

4. Pursuant to 52 Pa. Code §§1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney represent you. However, if you are a partnership, corporation, trust, association or governmental agency or subdivision, you must have an attorney represent you in this proceeding. Unless you are an attorney, you may not represent someone else.

5. You must serve the undersigned Administrative Law Judge 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. For your convenience, a copy of the Commission’s current service list of the parties to this proceeding is enclosed with this Order.

Date: August 30, 2018 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Katrina L. Dunderdale Administrative Law Judge

**R-2018-3003104 - PA PUBLIC UTILITY COMMISSION v. TIMBERLEE VALLEY SANITATION COMPANY INC**

**C-2018-3003507- RAY & DONNA MCCARTHY v. TIMBERLEE VALLEY SANITATION COMPANY INC**

RAYMOND MCCARTHYDONNA MCCATHY

260 FASSINGER RDEVANS CITY PA 16033**609.410.1837***Representing Self*

**C-2018-3003507**

THOMAS T NIESEN ESQUIRETHOMAS NIESEN & THOMAS LLC212 LOCUST STREET STE 302HARRISBURG PA 17101**717.255.7600**

***Accepts E-Service***

*Representing Timberlee Valley Sanitation Company, Inc.*  RICHARD A KANASKIE ESQUIREPA PUC BIE LEGAL TECHNICALSECOND FLOOR WEST

400 NORTH STREET HARRISBURG PA 17120**717.783.6184*Accepts E-Service***

*Representing Pennsylvania Public Utility*

*Commission Bureau of Investigation and Enforcement*

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