**BEFORE THE**

**PENNSYLVANIA PUBLIC UTLIITY COMMISSION**

Pennsylvania Public Utility Commission (water) : R-2018-3003558

Office of Consumer Advocate : C-2018-3004331

Pennsylvania American Water Company : C-2018-3004425

Albert Bowman : C-2018-3004648

Darren Distasio : C-2018-3004318

Byron Goldstein : C-2018-3004375

Jordan Goretti : C-2018-3004270

Robert Leupold : C-2018-3004690

Joseph Lorusso : C-2018-3004381

Marilyn Marbo : C-2018-3004631

Brian Sheppard : C-2018-3004748

:

v. :

:

Aqua Pennsylvania, Inc. (water) :

:

and

Pennsylvania Public Utility Commission :

(wastewater) : R-2018-3003561

Office of Consumer Advocate : C-2018-3004333

Ralph & Lauretta Camardelli : C-2018-3004563

Thomas Davis : C-2018-3004694

Thomas Davis : C-2018-3004695

Darren Distasio : C-2018-3004324

Phyllis Genauer : C-2018-3004693

Arnold Kring : C-2018-3004662

Robert Leupold : C-2018-3004692

Ben Mroz : C-2018-3004531

John Stull : C-2018-3004389

:

v. :

:

Aqua Pennsylvania Wastewater Inc. :

**PREHEARING CONFERENCE ORDER**

An Initial Call-In Prehearing Conference is scheduled in these cases for **Friday, September 28, 2018, at 10:00 a.m.** The prehearing conference will be held telephonically with the calling information provided on the Notice. The evidentiary hearings for these matters are not yet scheduled. The prehearing conference will address, among other things, the scheduling of evidentiary hearings.

History

1. Water

On August 17, 2018, Aqua Pennsylvania, Inc. (Aqua or Water Company) filed with the Pennsylvania Public Utility Commission (PUC or Commission) Tariff Water – Pa. P.U.C. No. 2, which provides an increase in total annual operating water revenues of approximately $66.3 million or approximately 15.39%.

Several formal complaints (Complaints) have been filed regarding the water tariff filing. By entered Order dated September 20, 2018, the Commission instituted a formal investigation to determine the lawfulness, justness and reasonableness of the Water Company's existing and proposed rates, rules and regulations. Pursuant to Section 1308(d) of the Public Utility Code, 66 Pa. C.S. § 1308(d), Aqua Tariff Water – Pa. P.U.C. No. 2 was suspended by operation of law on September 20, 2018 until May 16, 2019, unless otherwise directed by Commission Order.

1. Wastewater

On August 17, 2018, Aqua Pennsylvania Wastewater, Inc. (APW or Wastewater Company), filed with the Commission Tariff Sewer – Pa. P.U.C. No. 2 to become effective October 16, 2018. This tariff would increase the Wastewater Company’s total annual operating revenues for wastewater service by approximately $5.4 million or 40.14%.

Several Complaints have been filed regarding the wastewater tariff filing. By entered Order dated September 20, 2018, the Commission instituted a formal investigation to determine the lawfulness, justness and reasonableness of the APW's existing and proposed rates, rules and regulations. Pursuant to Section 1308(d) of the Public Utility Code, 66 Pa. C.S. § 1308(d), APW Tariff Sewer – Pa. P.U.C. No. 2 was suspended by operation of law on September 20, 2018 until May 16, 2019, unless otherwise directed by Commission Order.

In accordance with the Commission’s Orders, this matter was assigned to Administrative Law Judges (ALJs) Angela T. Jones and F. Joseph Brady. There have been approximately 10 Complaints filed at each docket (water and wastewater) to this proceeding. 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 me and all participants of record. The correct address of the undersigned is:

Administrative Law Judge Angela T. Jones

Administrative Law Judge F. Joseph Brady

Pennsylvania Public Utility Commission

801 Market Street, 4th Floor, Suite 4063

Philadelphia, PA 19107

Changes are granted only in the rare circumstance that 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, at least by noon on Thursday, September 27, 2018, a prehearing conference memorandum which sets forth the history of these proceedings, the issue(s) 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, if possible, 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.**

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 the assigned ALJs directly with a copy of any document that you file in this proceeding. If you send us 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 both ALJs 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 judges; 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. The undersigned administrative law judges agree to electronic or facsimile service for this proceeding with active participants. In addition, we are requesting that a hard copy of all documents be sent to the Philadelphia Regional Office at the address mentioned above in paragraph 1. 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 participant. The contact information for the Philadelphia Regional Office is:

1. (215) 560-2105 (voice); and
2. (215) 560-3133 (facsimile).

We have attached a service list to this Order for each docket in this proceeding. The attached service lists are current to-date. Please check the attached list for omissions and errors and contact the Philadelphia Regional Office to make corrections. Parties should check their service list and make the appropriate changes.

**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 October 4, 2018 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 October 4, 2018, 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 January 3, 2019; and

(b) The Main Briefs and Reply Briefs are due no later than January 23, 2019 and February 1, 2019, respectively.

The above dates are firm and cannot be later unless the public utility provides an extension to the suspension date. The evidentiary hearings for these matters are not yet scheduled. The primary purposes of the prehearing conference are to review and confirm the issues to be explored in the evidentiary proceeding and to confirm a procedural schedule for the formal process.

The Commission has received requests for a public input hearing to be held in Southern Chester County regarding the proposed rate increases from State Senator Andrew E. Dinniman and State Representative John Lawrence. Any considerations of a proposed procedural schedule should include a public input hearing in Southern Chester County.

Any other issues the parties desire to bring to the attention of the presiding officers can be addressed at the prehearing conference.

Date: September 21, 2018    \_\_\_\_\_\_\_\_\_/s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Angela T. Jones

Administrative Law Judge

\_\_\_\_\_\_\_\_/s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

F. Joseph Brady

Administrative Law Judge

Pennsylvania Public Utility Commission v. Aqua Pennsylvania, Inc.

Docket Number R-2018-3003558

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