BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission : R-2019-3007103

Office of Consumer Advocate : C-2019-3007947

Office of Small Business Advocate : C-2019-3008081

:

v. :

:

Buck Hill Water Company :

# **PREHEARING CONFERENCE ORDER**

On January 11, 2019, Buck Hill Water Company (Buck Hill), filed Supplement No. 32 to Tariff Water – Pa. P.U.C. No. 3 to become effective April 1, 2019. The subject tariff supplement would increase Buck Hill’s total annual operating revenues for water service by approximately $106,458, or 34.57%.

On February 15, 2019, the Office of Consumer Advocate (OCA) filed a formal Complaint, Public Statement, Verification, and a Notice of Appearance on behalf of Christine Hoover, Esq. The Complaint was docketed at C-2019-3007947.

On February 26, 2019, the Office of Small Business Advocate (OSBA) filed a formal Complaint, Public Statement, Verification, and a Notice of Appearance on behalf of Steven C. Gray, Esq. The Complaint was docketed at C-2019-3008081.

By Order entered March 14, 2019, the Pennsylvania Public Utility Commission (Commission) instituted an investigation into the lawfulness, justness, and reasonableness of rates, rules, and regulations contained in Buck Hill’s proposed Supplement No. 32 to Tariff Water – Pa. P.U.C. No. 3. Pursuant to Section 1308(d) of the Public Utility Code, 66 Pa. C.S.A. § 1308(d), Supplement No. 32 to Tariff Water – Pa. P.U.C. No. 3 was suspended by operation of law until November 1, 2019, unless permitted by Commission Order to become effective at an earlier date. In addition, the Commission ordered that the investigation include consideration of the lawfulness, justness and reasonableness of the existing rates, rules, and regulations of Buck Hill. The matter was assigned to the Office of Administrative Law Judge for the prompt scheduling of hearings culminating in the issuance of a Recommended Decision.

In accordance with the Commission’s March 14, 2019, Order, the matter was assigned to Administrative Law Judge F. Joseph Brady.

A Prehearing Conference is scheduled in this case for **Friday, March 29, 2019 at 10:00 a.m.** The undersigned administrative law judge will preside telephonically from 801 Market Street, Philadelphia, PA 19107. The parties in and near Harrisburg will meet in an available Hearing Room at the Commonwealth Keystone Building and participate by telephone.

The parties are hereby directed to comply with the following requirements:

1. That 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 five (5) 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. My correct address is:

Commonwealth of Pennsylvania

Pennsylvania Public Utility Commission

801 Market Street, Suite 4063

Philadelphia, PA 19107

Telephone: 215-560-2105

Fax: 215-560-3133

1. That absent a continuance for good cause, all parties must be prepared to participate in the scheduled Prehearing Conference. Failure of a party to participate in the conference, after being served with notice of the date, time and location thereof, without good cause shown, shall constitute a waiver of all objections to the agreements reached, and an order or ruling with respect thereto.
2. That the Commission’s regulation concerning prehearing conferences in rate proceedings is located at 52 Pa.Code § 5.224. Accordingly, we will discuss the following:
3. A proposed plan and schedule of discovery;
4. Possibility of settlement;
5. Issues;
6. Amount of hearing time needed;
7. Witnesses;
8. Schedule for submission of testimony, hearings and briefs;
9. Public Input hearings; and
10. Any other appropriate matter.
11. That each active participant must file and serve, on or before 12:00 p.m., Wednesday, March 27, 2019, a prehearing conference memorandum which sets forth the history of these proceedings and addresses the agenda items listed above. **If more than one attorney represents a party, your prehearing memorandum should identify one attorney who will speak as the lead attorney for the purposes of the prehearing conference.** The following is my proposed schedule for hearings and briefs:

Hearings for cross-examination of all Week of June 17, 2019

witnesses, oral rebuttal/surrebuttal

Close of Record Friday, June 21, 2019

Main Briefs Due Thursday, July 11, 2019

Reply Briefs Due Monday, July 22, 2019 (by 12:00 p.m.)

Public Meeting Thursday, October 24, 2019

End of Suspension Friday, November 1, 2019

1. That the parties shall 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 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.
2. That 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. That the parties must serve me directly with a copy of any document that they file in this proceeding. Also, if a party sends me any correspondence or document, that party must send a copy to all other parties that have declared they are actively participating in these proceedings. Parties may serve documents electronically by 4:30 p.m. to meet any required due date. Since documents can be submitted to me and the participants by e-mail, e-mail addresses are included on the attached service list. Please check the list for omissions and errors and contact my office to make corrections. My e-mail address is [CPell@pa.gov](mailto:CPell@pa.gov).
4. That the parties shall stipulate to any matters they reasonably can to expedite this proceeding, lessen the burden of time and expense in litigation on all parties and conserve precious administrative hearing resources. 52 Pa.Code §§ 5.232 and 5.234. All stipulations entered into by the parties shall be reduced to writing, signed by the parties to be bound thereby, and moved into the record during the hearings in this case. An exception to this requirement may occur when circumstances warrant. If so, an oral presentation of a stipulation is permissible, if it is followed by a reduction to writing as herein directed.
5. That the parties are to confer amongst themselves in an attempt to resolve all or some of the issues associated with this filing. The parties are reminded it is the Commission’s policy to encourage settlements. 52 Pa.Code § 5.231(a). The parties are strongly urged to seriously explore this possibility.

Date: March 14, 2019 /s/

F. Joseph Brady

Administrative Law Judge

**Pa.P.U.C. v. Buck Hill Water Company**

**Docket Number R-2019-3007103**

# **SERVICE LIST**

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