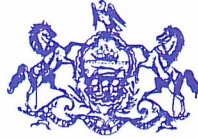


COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

555 Walnut Street, 5th Floor, Forum Place
Harrisburg, Pennsylvania 17101-1923
(717) 783-5048
800-684-6560

FAX (717) 783-7152
consumer@paoca.org

April 18, 2019

Honorable Andrew Calvelli
Office of Administrative Law Judge
PA Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Application of Pennsylvania-American
Water Company Pursuant to Sections 507,
1102 and 1329 of the Public Utility Code for
Approval of its Acquisition of the
Wastewater System Assets of Exeter
Township
Docket No. A-2018-3004933

Dear Judge Calvelli:

Enclosed please find the Office of Consumer Advocate's Motion to Expedite Discovery,
in the above-referenced proceeding.

Copies have been efiled today with the Secretary's Office and served per the attached
Certificate of Service.

Respectfully submitted,

A handwritten signature in blue ink that reads "Christ Maloni Hoover".

Christine Maloni Hoover
Senior Assistant Consumer Advocate
PA Attorney I.D. # 50026
E-Mail: CHoover@paoca.org

Enclosures:

cc: Certificate of Service

CERTIFICATE OF SERVICE

Re: Application of Pennsylvania-American :
Water Company Pursuant to Sections :
507, 1102, and 1329 of the Public : Docket No. A-2018-3004933
Utility Code for Approval of its :
Acquisition of the Wastewater System :
Assets of Exeter Township :

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate's Motion to Expedite Discovery, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 18th day of April 2019.

SERVICE BY E-MAIL and INTER-OFFICE MAIL

Erika McLain, Esquire
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

SERVICE BY E-MAIL and FIRST CLASS MAIL, POSTAGE PREPAID

Susan Simms Marsh, Esquire
Pennsylvania-American Water Company
852 Wesley Drive
Mechanicsburg, PA 17055

Barnett Satinsky, Esquire
Fox Rothschild LLP
2000 Market Street, 20th Floor
Philadelphia, PA 19103

Samuel W. Cortes, Esquire
Fox Rothschild LLP
Eagleview Corporate Center
747 Constitution Drive, Suite 100
Exton, PA 19341

David P. Zambito, Esquire
Jonathan P. Nase, Esquire
Cozen O'Connor
17 North Second Street, Suite 1410
Harrisburg, PA 17101

Joan E. London, Esquire
Kozloff Stoudt, Professional Corporation
2640 Westview Drive
Wyomissing, PA 19610

/s/ Christine Maloni Hoover
Christine Maloni Hoover
Senior Assistant Consumer Advocate
PA Attorney I.D. # 50026
E-Mail: CHoover@paoca.org

Erin L. Gannon
Senior Assistant Consumer Advocate
PA Attorney I.D. # 83487
E-Mail: EGannon@paoca.org

Harrison W. Breitman
Assistant Consumer Advocate
PA Attorney I.D. # 320580
E-Mail: HBreitman@paoca.org
*270693

Counsel for Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
Phone: (717) 783-5048
Fax: (717) 783-7152

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: Application of Pennsylvania-American :
Water Co. Pursuant to Sections 507, 1102 and :
1329 of the Public Utility Code for Approval : Docket No. A-2018-3004933
of its Acquisition of Exeter Township Sewer :
System :

MOTION OF THE
OFFICE OF CONSUMER ADVOCATE
TO EXPEDITE DISCOVERY

The Office of Consumer Advocate (OCA) files this Motion to Expedite Discovery (Motion) in the above captioned proceeding because of the expedited nature of a Section 1329 proceeding.

On September 25, 2018, Pennsylvania-American Water Company (PAWC or Company) filed an Application under Sections 1102 and 1329 of the Public Utility Code seeking Public Utility Commission (Commission) approval of the acquisition of Exeter Township's (Township) sewer system and the right of PAWC to provide wastewater service in the areas served by the Township and approval of the ratemaking rate base of the assets as determined under Section 1329(c)(2) of the Public Utility Code. By Secretarial Letter dated October 1, 2018, the Commission notified PAWC that the Application was not accepted for filing purposes because it was incomplete. On December 5, 2018, PAWC filed an Amended Application to address the issues raised by Commission staff. On December 14, 2018, the OCA filed a Petition to Reject or Hold In Abeyance The Application. By Secretarial Letter dated December 19, 2018, the

Commission conditionally accepted the Amended Application with a condition requiring individual notice to be provided to PAWC's existing water and wastewater customers and that PAWC was to ensure that concurrent notice was provided to all current Exeter Township wastewater customers, along with newspaper notice in the Exeter Township area. Upon completion, PAWC was directed to file a verification that the notice has occurred.

The Bureau of Investigation and Enforcement (I&E) filed Motion to Reject or Hold In Abeyance on December 20, 2018. On January 4, 2019, the Borough of St. Lawrence filed a Petition to Intervene. The OCA filed a Protest and Public Statement on January 14, 2019 and a Petition for Stay. By Secretarial Letters dated February 8, 2019, the Commission informed OCA and I&E that the docket was inactive.

On April 15, 2019, PAWC filed a letter, with an attached verification, stating that it had complied with the notice requirements contained in the December 19, 2018 Secretarial letter. By Secretarial Letter dated April 16, 2019, the Commission informed PAWC that it had accepted the Application for filing. Notice of a prehearing conference was served on April 17, 2019.

Section 1329 requires a Commission Order within six months of the acceptance of an Application. In its Section 1329 Implementation Order, the Commission stated, "normal time lines must be compressed." Implementation of Section 1329 of the Public Utility Code, Docket No. M-2016-2543193, slip op. at 32 (Order entered October 27, 2016). The parties must file testimony on an expedited basis, and in order to provide that testimony, a modification to the Commission's discovery rules is appropriate. Pursuant to Commission regulations, answers to discovery are due within twenty days of service. 52 Pa. Code § 5.342(d). Similar modifications have been used in earlier Section 1329 proceedings. See e.g., Aqua Pennsylvania Wastewater, Inc. Acquisition of The Wastewater Assets of East Bradford Township, Docket No. A-2018-

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: Application of Pennsylvania-American :
Water Co. Pursuant to Sections 507, 1102 and :
1329 of the Public Utility Code for Approval : Docket No. A-2018-3004933
of its Acquisition of Exeter Township Sewer :
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3001582, Order Granting OCA Motion To Expedite Discovery (June 5, 2018); Aqua Pennsylvania Wastewater, Inc. Acquisition of The Wastewater Assets of Limerick Township, Docket No. A-2017-2605434, Order Granting In Part Motion Of The Bureau Of Investigation And Enforcement For Expedited Discovery (June 14, 2017).

The OCA proposes the following modifications to the discovery regulations:

- a. Answers to written interrogatories shall be served in-hand within five (5) calendar days of service.
- b. Objections to interrogatories shall be communicated orally within two (2) calendar days and in writing within three (3) calendar days of service of the interrogatories.
- c. Motions to dismiss objections and/or direct the answering of interrogatories shall be filed within two (2) calendar days of service of the written objections.
- d. Answers to motions to dismiss objections and/or direct the answering of interrogatories shall be filed within two (2) calendar days of service of such motions.
- e. Responses to requests for document production, entry for inspection, or other purposes must be served in-hand within five (5) calendar days.
- f. Requests for admissions will be deemed admitted unless answered or denied within three (3) calendar days of service.
- g. Discovery and all discovery-related pleadings, such as objections, motions, or answers, served after 12:00 noon on a Friday or after 12:00 noon the day before a holiday recognized by the Commission will be deemed to have been served on the following business day for purposes of tracking due dates.

In prior Section 1329 cases, the OCA's direct testimony was due between four to six days after the prehearing conference. A ruling on the OCA's Motion is necessary before the prehearing conference currently scheduled for May 17, 2019. Therefore, the OCA requests a ruling on an expedited basis so that the case can progress in the limited period available for

litigation. The OCA has been in contact with counsel for I&E and is authorized to state that I&E supports the OCA's Motion and request for an expedited ruling.

WHEREFORE, the Office of Consumer Advocate respectfully requests that the discovery rules be modified as set forth above and that these modifications be applied to discovery that has been sent on this same day and all discovery going forward. In addition, the Office of Consumer Advocate respectfully requests that the Office of Administrative Law Judge rule on this motion in an expedited manner for the reasons set forth above.

Respectfully Submitted,



Christine Maloni Hoover
Senior Assistant Consumer Advocate
PA Attorney I.D. # 50026
E-Mail: CHoover@paoca.org

Harrison W. Breitman
Assistant Consumer Advocate
PA Attorney I.D. # 320580
E-Mail: HBreitman@paoca.org

Counsel for:
Tanya J. McCloskey
Acting Consumer Advocate

Office of Consumer Advocate
555 Walnut Street 5th Floor, Forum Place
Harrisburg, PA 17101-1923
Phone: (717) 783-5048
Fax: (717) 783-7152
April 18, 2019

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