**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission : R-2020-3019369 (Water)

Office of Consumer Advocate : C-2020-3019751

Office of Small Business Advocate : C-2020-3019767

Jessica and Jeffrey Labarge : C-2020-3019627

Mr. and Mrs. Gerald S. Lepre, Jr. : C-2020-3019646

Victoria Lozinak : C-2020-3019778

:

v. :

:

Pennsylvania-American Water Company :

Pennsylvania Public Utility Commission : R-2020-3019371 (Wastewater)

Office of Consumer Advocate : C-2020-3019754

Office of Small Business Advocate : C-2020-3019772

Jessica and Jeffrey Labarge : C-2020-3019627

Mr. and Mrs. Gerald S. Lepre, Jr. : C-2020-3019646

Victoria Lozinak : C-2020-3019778

:

v. :

:

Pennsylvania-American Water Company :

**PREHEARING CONFERENCE ORDER**

An Initial **Call-In** Prehearing Conference in this case is scheduled for **Thursday, June 4, 2020, at 1:00 p.m.** The undersigned administrative law judge (ALJ) will preside remotely from Pittsburgh, Pennsylvania. To participate in the conference, you must dial the toll-free bridge number listed below. You will be prompted to enter the personal identification number (PIN), which is also listed below. You will be asked to say your name and then the telephone system will connect you to the conference. If you have any persons you want to have present during the conference, you must provide them with the toll-free bridge number and PIN.

Toll-Free Bridge Number: 1-866-566-0826

PIN: 76982683

**You must call into the conference on the scheduled day and time. You will not be called by the ALJ.**

**You must participate in the Prehearing Conference. If you fail to do so, your case or petition to intervene will be dismissed. Additionally, if you fail to participate in the Prehearing Conference you will be removed from the attached Service List.**

**The Commission presently does not have access to regular mail because our offices are closed due to the COVID-19 pandemic, all Parties are encouraged to sign-up for e-filing and e-service. Please visit the Commission’s website at** [**www.puc.pa.gov**](http://www.puc.pa.gov) **for instructions.**

At the conference, **Pennsylvania-American Water Company** should be prepared to discuss its ability to provide a conferencing platform for the conducting of public input hearings. In addition, the **Office of Consumer Advocate** should be prepared to discuss its ability to coordinate with the parties the scheduling of witnesses for the public input hearings.

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

1. A request for a change of the scheduled prehearing conference date must state the agreement or opposition of other Parties and must be emailed to the ALJ and all Parties no later than five (5) business days prior to the prehearing conference. 52 Pa.Code § 1.15(b). Email the ALJ at [cojohnson@pa.gov](mailto:cojohnson@pa.gov) with any request for a change of the prehearing conference date. Requests for changes of initial prehearing conferences are granted only in rare situations where sufficient cause exists.

In accordance with the foregoing, all Parties must be prepared to participate in the scheduled prehearing conference.

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).

1. 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 on or before **4 p.m. on Wednesday, June 3, 2020**. If the Parties provide the ALJ with an electronic copy of their prehearing memorandum at [cojohnson@pa.gov](mailto:cojohnson@pa.gov), it is not necessary to also provide the ALJ a hard copy.
2. Each Party’s prehearing memorandum should also include a proposed litigation schedule, agreed to by all Parties if possible, which requires **the filing of Reply Briefs by Monday, October 26, 2020.**
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. All Parties are urged to cooperate in discovery. Such cooperation is preferable to numerous or protracted discovery disagreements, which require the ALJ’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 licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you. However, if you are a partnership, limited liability company, 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 ALJ directly with a copy of any document that you file in this proceeding. If you send the ALJ 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.
6. If you, or anyone you plan to call as a witness on your behalf, have a limited ability to speak or understand English or are deaf or hearing-impaired, a qualified interpreter can be provided upon your request. If you want an interpreter, please contact the Scheduling Office at least ten (10) days before the scheduled Prehearing Conference or Hearing to make your request.

Scheduling Office: (717) 787-1399

AT&T Relay Service number for persons who are deaf or hearing-impaired:

1‑800‑654‑5988



Date: May 22, 2020

**R-2020-3019369, et al. - PA PUBLIC UTILITY COMMISSION v. PENNSYLVANIA AMERICAN WATER COMPANY**

SUSAN SIMMS MARSH ESQUIRE

ELIZABETH ROSE TRISCARI ESQUIRE

PENNSYLVANIA AMERICAN WATER COMPANY852 WESLEY DRIVEMECHANICSBURG PA 17055**717-550-1625*ACCEPTS E-SERVICE***

\*KENNETH M KULAK ESQUIRE

\*ANTHONY C DECUSATIS ESQUIRE

\*BROOKE E MCGLINN ESQUIRE

MARK A LAZAROFF ESQUIRE

MORGAN LEWIS & BOCKIUS LLP

1701 MARKET STREET

PHILADELPHIA PA 19103-2921

**215-963-5384**

***\*ACCEPTS E-SERVICE***

[mark.lazaroff@morganlewis.com](mailto:mark.lazaroff@morganlewis.com)

*Representing Pennsylvania-American Water Company*

DAVID P ZAMBITO

COZEN OCONNOR

SUITE 1 410

17 NORTH SECOND STREET

HARRISBURG PA 17101

**717-703-5892**

***ACCEPTS E-SERVICE***

*Representing Pennsylvania-American Water Company*

CARRIE B WRIGHT ESQUIREPA PUC BIE LEGAL TECHNICALSECOND FLOOR WEST400 NORTH STREETHARRISBURG PA 17120**717-783-6156*ACCEPTS E-SERVICE***

CHRISTINE M HOOVER ESQUIREERIN L GANNON ESQUIRE

LAUREN E GUERRA ESQUIRE

HARRISON W BREITMAN ESQUIRE

OFFICE OF CONSUMER ADVOCATE5th FLOOR FORUM PLACE555 WALNUT STREETHARRISBURG PA 17101-1923**717-783-5048**

***ACCEPTS E-SERVICE****Complainant C-2020-3019751*

ERIN FURE ESQUIRE

DANIEL G ASMUS ESQUIRE

OFFICE OF SMALL BUSINESS ADVOCATE555 WALNUT STREET 1ST FLOOR HARRISBURG PA 17101**717-783-2525***Complainant C-2020-3019767*

JESSICA AND JEFFREY LABARGE 123 FAIRMOUNT AVENUE READING PA 19606**610-739-0825***Complainants C-2020-3019627*

MR AND MRS GERALD S LEPRE JR 3623 CALIFORNIA AVENUEPITTSBURGH PA 15212**412-952-6640***Complainant C-2020-3019646*

VICTORIA LOZINAK609 WATERFALL WAYPHOENIXVILLE PA 19460**610-909-4359**

***ACCEPTS E-SERVICE****Complainant C-2020-3019778*

RIA M PEREIRA ESQUIREJOHN W SWEET ESQUIRE

ELIZABETH R MARX ESQUIRE

PA UTILITY LAW PROJECT118 LOCUST STREETHARRISBURG PA 17101**717-710-3839**

**717-701-3837**

**717-236-9486**

***ACCEPTS E-SERVICE****Representing CAUSE-PA*

*Intervenor*

JOSEPH L VULLO ESQUIREBURKE VULLO REILLY ROBERTS1460 WYOMING AVENUEFORTY FORT PA 18704570-288-6441**Accepts eService**

*Representing Commission on Economic Opportunity*

*Intervenor*

JUDITH L SCHWANK SENATORSENATE OF PENNSYLVANIA - 11TH DISTRICTSENATE BOX 203011HARRISBURG PA 17120**717-787-8925**

*Interested Party*

REP AUSTIN DAVIS

G-07 IRVIS OFFICE BUILDING

PO BOX 202035

HARRISBURG PA 17120-2035

**717-783-1018**

*Interested Party*