**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Implementation of Chapter 32 of the Public : M-2018-2640802

Utility Code Regarding Pittsburgh Water and : M-2018-2640803

Sewer Authority – Stage 2 (Stormwater) :

**PREHEARING ORDER MODIFYING LITIGATION SCHEDULE**

**AND DISCOVERY PROCEEDINGS**

On March 2, 2022, a Prehearing Order was entered in the above-captioned matter. The Prehearing Order adopted a litigation schedule and discovery modifications.

On March 7, 2022, the Commission entered, through the notational vote process, an Opinion and Order which granted Pittsburgh Water and Sewer Authority’s “Unopposed Petition to Separate Stormwater Issues from Other Stage 2 Compliance Plan Issues.” The Opinion and Order also granted a 60-extension of time for the issuance of a recommended decision in the matter. Pursuant to this Opinion and Order, the recommended decision on Pittsburgh Water and Sewer Authority’s stormwater compliance plan is due on July 25, 2022.

On March 10, 2022, counsel for Pittsburgh Water and Sewer Authority (PWSA) emailed the undersigneds, advising that the parties agreed to modifications to the litigation schedule. In addition, on March 16, 2022, counsel for PWSA informed us that the parties agreed to reinstate the discovery modifications set forth in the Prehearing Order dated September 22, 2021.

Upon careful review, we approve the proposed litigation schedule and discovery modifications.

 THEREFORE,

 IT IS ORDERED:

1. By agreement of the parties, the following litigation schedule is adopted:

|  |  |
| --- | --- |
| PWSA Direct Testimony/Response to DQs | March 22, 2022 |
| Other Parties' Direct Testimony | April 12, 2022 |
| Rebuttal Testimony | May 3, 2022 |
| Surrebuttal Testimony | May 13, 2022 |
| Oral Rejoinder and Evidentiary Hearing (Telephonic) | May 19, 2022 |
| Main Briefs | June 9, 2022 |
| Reply Briefs | June 23, 2022 |
| Recommended Decision | July 25, 2022 |

1. By agreement of the parties, the following modifications to discovery are

adopted:

1. Answers to written interrogatories are to be served in-hand within ten (10) calendar days of service of the interrogatories.
2. Objections to interrogatories are to be communicated orally within three (3) days of service; unresolved objections are to be served on the Administrative Law Judges in writing within five (5) days of service of the interrogatories.
3. Motions to dismiss objections and/or direct the answering of interrogatories are to be filed within three (3) calendar days of service of written objections.
4. Answers to motions to dismiss objections and/or directing the answering of interrogatories shall be filed within three (3) calendar days of service of such motions.
5. Responses to requests for documents production, entry for inspection, or other purposes are to be served in-hand within ten (10) calendar days of service.
6. Requests for admission are deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service.
7. When an interrogatory, request for production, request for admission or motion is served after 12:00 p.m. on a Friday or the day before a holiday, the appropriate response period is deemed to start on the next business day.
8. Interrogatories, requests for production and requests for admissions that are objected to, but which are not made the subject of a motion to compel will be deemed withdrawn.
9. Pursuant to 52 Pa. Code §5.341(b), neither discovery requests nor responses thereto are to be served on the Commission or the Administrative Law Judges, although a certificate of service may be filed with the Commission’s Secretary.
10. Discovery requests, motions to compel and responses are to be served electronically and will only be served on paper upon request.

Dated: March 16, 2022

 /s/

 Eranda Vero

 Administrative Law Judge

 /s/

 Gail M. Chiodo

 Administrative Law Judge

**M-2018-2640802 M-2018-2640803 Implementation of Chapter 32 of the Public Utility Code Regarding Pittsburgh Water and Sewer Authority – Stage 1**

**Updated on 3-2-22**

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