

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

WALTER PAINTER and DONNA	)	
PAINTER, on behalf of themselves and all	)	
others similarly situated,	)	
	)	
v.	)	C-2011-2239556
	)	
AQUA PENNSYLVANIA, INC.,	)	

**MOTION FOR CHANGE OF HEARING DATE**

Complainants *Walter and Donna Painter, on behalf of themselves and all others similarly situated*, hereby submit this Motion for Change of Hearing Date, averring as follows:

1. Complainants filed their Complaint in the Commission by letter of April 21, 2011.
2. Respondent filed its Answer and New Matter by letter of May 25, 2011.
3. By Prehearing Order of May 31, 2011, Administrative Law Judge Conrad A. Johnson scheduled an initial hearing in this case for June 30, 2011.
4. Complainants hereby request that the hearing be rescheduled for a date approximately 60 days later than the current hearing date in order to accommodate the discovery process.
5. Complainants wish to serve Respondent with Interrogatories and Requests for Production of Documents.
6. Complainants wish to take the deposition of a representative of the Respondent corporation, which requires 20 days notice under 52 Pa. Code § 5.343.
7. The hearing is currently scheduled too soon to allow the parties to take discovery and adequately prepare for the hearing.

8. This case is potentially very complex, as it will affect a putative class action involving all of the Respondent's residential water customers in Pennsylvania.

9. This case potentially involves substantially large damages, including damages under the Pennsylvania Unfair Trade Practices and Consumer Protection Law.

10. The proper disposition of this case may require a substantial record, which can only be obtained through discovery.

11. This case originated in the Court of Common Pleas of Lawrence County and was transferred to the Commission by the December 13, 2010 Order of President Judge Dominick Motto. A true and correct copy of that Order is attached hereto as Exhibit A.

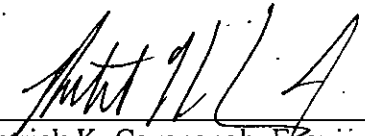
12. This case remains pending in the Court of Common Pleas, having been stayed pursuant to Judge Motto's Order until the Commission rules on certain issues.

13. Discovery did not take place in the Court of Common Pleas.

WHEREFORE, Walter Painter and Donna Painter, on behalf of themselves and all others similarly situated, respectfully request that the Pennsylvania Public Utility Commission grant this Motion and reschedule the hearing for a date approximately 60 days later than the current hearing date.

DEL SOLE CAVANAUGH STROYD, LLC

By: \_\_\_\_\_

  
Patrick K. Cavanaugh, Esquire

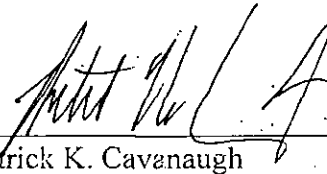
*Counsel for Complainants*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 6<sup>th</sup> day of June, 2011 a true and correct copy of the foregoing *Motion to Change Hearing Date* was served on the following by first class, U.S. mail:

Conrad A. Johnson  
Administrative Law Judge  
301 Fifth Avenue  
Suite 220, Piatt Place  
Pittsburgh, PA 15222

Christopher T. Wright, Esquire  
17 North Second Street  
12th Floor  
Harrisburg, PA 17101  
*Counsel for Respondent*

  
\_\_\_\_\_  
Patrick K. Cavanaugh

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2011 JUN 20 AM 10: 24

PA-P.U.C.  
SECRETARY'S BUREAU

**Johnson, Conrad**

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**From:** Johnson, Conrad  
**Sent:** Thursday, June 09, 2011 2:34 PM  
**To:** 'cwright@postschell.com'  
**Cc:** 'pcavanaugh@dscslaw.com'  
**Subject:** Walter and Donna Painter v Aqua Pennsylvania C-2011-2239556 - Change of Hearing Date Request

Attorney Wright:

On June 6, 2011, Complainants filed a Motion For Change of Hearing Date in the above captioned case. Complainants requested that the hearing be rescheduled to a date 60 days after June 30, 2011. The Motion does not indicate whether Complainants' counsel, Patrick K. Cavanaugh, discussed with you whether you opposed or consented to rescheduling the hearing on behalf of your client, Aqua Pennsylvania.

By June 15, 2011, kindly advise me (and Complainants' attorney) by email or letter as to whether you have any objection to Complainants' request to change the hearing date.

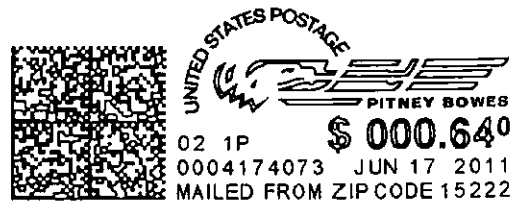
Thank you,  
ALJ Johnson

Conrad A. Johnson  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
301 Fifth Avenue  
Suite 220  
Pittsburgh, PA 15222  
Phone: (412) 565-3550 | Fax: (412) 565-5692 [cojohnson@state.pa.us](mailto:cojohnson@state.pa.us) [www.puc.state.pa.us](http://www.puc.state.pa.us)  
<<http://www.puc.state.pa.us>>

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FORM UCGD-15 (Rev. 5/10)  
COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGE  
301 FIFTH AVENUE  
SUITE 220, PIATT PLACE  
PITTSBURGH, PA 15222



ROSEMARY CHIAVETTA  
SECRETARY  
PA PUBLIC UTILITY COMMISSION  
PO BOX 3265  
HARRISBURG PA 17105-3265