



Susan Simms Marsh P 717-531-3208
Corporate Counsel F 717-531-3399
800 West Hersheypark Drive E susan.marsh@amwater.com
Hershey, PA 17033 I www.amwater.com

April 2, 2012

VIA eFiling

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
Harrisburg, PA 17120

Re: Utility Workers Union of America System Local 537 v.
Pennsylvania-American Water Company
Docket No. C-2012-2287204

Dear Secretary Chiavetta:

On behalf of Pennsylvania-American Water Company, I have attached for filing a Motion for Protective Order in the above-captioned matter. This is a qualified document permitted to be filed electronically.

As evidenced by the attached Certificate of Service, all parties to this proceeding have been duly served.

Respectfully,


Susan Simms Marsh
Corporate Counsel

Enclosures

cc: Ember Jandebour, Administrative Law Judge w/Enclosures
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

UTILITY WORKERS UNION OF AMERICA :	:	
SYSTEM LOCAL 537 :	:	
Complainant :	:	
	:	
v. :	:	DOCKET NO. C-2012-2287204
	:	
PENNSYLVANIA-AMERICAN WATER :	:	
COMPANY :	:	
Respondent :	:	

NOTICE TO PLEAD

TO: *Utility Workers Union of America System Local 537*

You are hereby notified to file a responsive pleading to the attached Motion of Pennsylvania-American Water Company for Protective Order within twenty (20) days from the date of service of this motion. All pleadings must be filed with the Secretary of the Pennsylvania Public Utility Commission:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120



Susan Simms Marsh
Corporate Counsel
Pa. Attorney I.D. 44689
susan.marsh@amwater.com
Seth A. Mendelsohn
Corporate Counsel
Pa. Attorney I.D. 77063
seth.mendelsohn@amwater.com
Pennsylvania-American Water Company
800 West Hersheypark Drive
Hershey, PA 17033
717-533-5000

Dated: April 2, 2012

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

UTILITY WORKERS UNION OF AMERICA :
SYSTEM LOCAL 537 :
Complainant :

v. :

PENNSYLVANIA-AMERICAN WATER :
COMPANY :
Respondent :

DOCKET NO. C-2012-2287204

MOTION OF PENNSYLVANIA-AMERICAN WATER COMPANY FOR
PROTECTIVE ORDER

NOW COMES Respondent, Pennsylvania-American Water Company (“PAWC” or “Respondent”), by and through its undersigned attorney, and hereby moves this Honorable Commission, pursuant to 52 Pa. Code § 5.103, to issue a protective order and stay all discovery in the above-captioned proceeding. In support thereof, PAWC states as follows:

BACKGROUND

1. The Complainant instituted this action against the Respondent by Formal Complaint filed February 7, 2012.
2. The Commission served the Formal Complaint on the Respondent on February 8, 2012.
3. On February 28, 2012, the Respondent filed a Motion to Dismiss the Formal Complaint on the basis that the Complainant does not possess the requisite standing to move forward with said Formal Complaint. The Respondent simultaneously filed its Answer denying the material allegations of the Formal Complaint.

4. On March 5, 2012, the Complainant served on Respondent its Interrogatories and Requests for Production of Documents of Utility Workers Union of America System Local 537, Set 1 (“Complainant’s Interrogatories”).

5. On March 8, 2012, the Complainant filed an Answer to Respondent’s Motion to Dismiss.

6. On March 14, 2012, the Respondent filed its Objections to Complainant’s Interrogatories.

7. On March 20, 2012, Complainant filed a Motion to Dismiss Respondent’s Objections and to Compel the Interrogatories to be Answered.

8. On March 27, 2012, the Respondent filed an Answer to Complainant’s Motion to Dismiss Respondent’s Objections and Compel that Interrogatories be Answered.

GROUNDS FOR RELIEF

9. The presiding officer may issue an order pursuant to 52 Pa. Code § 5.362 to protect a party from unreasonable annoyance, embarrassment, oppression, burden or expense.

10. Discovery is objectionable pursuant to 52 Pa. Code § 5.361(a)(2) and (4) when it would cause unreasonable burden or expense to a party.

11. Furthermore, although pursuant to 52 Pa. Code § 5.342(f) and (g) the Respondent is not required to provide answers to interrogatories to which Respondent has timely filed objections pending a ruling on those objections, Respondent files this present motion for protective order out of an abundance of caution.

12. Respondent hereby incorporates by reference its March 14, 2012 Objections to Complainant's Interrogatories, objecting to all interrogatories posited by Complainant, as if fully set forth herein.

13. A favorable ruling on either Respondent's Motion to Dismiss or Objections to Complainant's Interrogatories would render moot any discovery in this matter and remove any obligation Respondent may have to respond to discovery requests. As such, pending the ruling of the presiding officer on the Motion to Dismiss and Objections to Complainant's Interrogatories, any discovery would result only in unreasonable burden and expense on Respondent.

14. Specifically, as set forth in paragraph 6.E. of the Respondents Objections, Complainant has requested an extensive amount of documentation that it believes may be associated with potential instances of non-compliance that may have occurred in the last four years and which could be very costly for Respondent to compile.

15. To the extent discovery is not stayed pending a ruling on the Motion to Dismiss, the Commission also will be forced to adjudicate any discovery disputes that arise in the meantime between the parties, which would unnecessarily tax the resources of the Commission and place a considerable burden on the interests of administrative efficiency.

16. Finally, a stay of discovery pending a ruling on the Motion to Dismiss and Respondent's Objections would not unreasonably delay proceedings or otherwise prejudice Complainant, especially since there is no statutory time period in which the Commission must rule on a Formal Complaint.

WHEREFORE, Respondent respectfully requests that this Honorable Commission GRANT Respondent's motion and issue a protective order staying all discovery pending a ruling on Respondent's Motion to Dismiss and Objections to Complainant's Interrogatories.

Respectfully submitted,



Susan Simms Marsh
Corporate Counsel
Pa. Attorney I.D. 44689
susan.marsh@amwater.com
Seth A. Mendelsohn
Corporate Counsel
Pa. Attorney I.D. 77063
seth.mendelsohn@amwater.com
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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

UTILITY WORKERS UNION OF AMERICA :	:	
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COMPANY :	:	
Respondent :	:	

ORDER

WHEREFORE this matter is before the Pennsylvania Public Utility Commission by the written Motion of Pennsylvania-American Water Company for Protective Order requesting a stay of discovery in the proceedings at the above-captioned docket, and the moving party, having demonstrated good cause for granting such a continuance,

IT IS ORDERED:

1. That Pennsylvania-American Water Company's Motion for Protective Order is GRANTED, and
2. Discovery is stayed pending ruling on Pennsylvania-American Water Company's Motion to Dismiss and Objections to Utility Workers Union of America System Local 537's Interrogatories, Set I.

This 2nd day of April, 2012.

Ember S. Jandebaur
Administrative Law Judge

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

UTILITY WORKERS UNION OF AMERICA :	:	
SYSTEM LOCAL 537 :	:	
Complainant :	:	
	:	
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	:	
PENNSYLVANIA AMERICAN WATER :	:	
COMPANY :	:	
Respondent :	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the *Motion of Pennsylvania-American Water Company for Protective Order* upon the persons and in the manner indicated below in accordance with the requirements of § 1.54 (relating to service by a party):

VIA Electronic and First-Class U.S. Mail:

Scott J. Rubin, Esq.
333 Oak Lane
Bloomsburg, PA 17815
Counsel for Complainant

Dated this 2nd day of April, 2012



Susan Simms Marsh
Corporate Counsel
Pa. Attorney I.D. 44689
Susan.marsh@amwater.com
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