

ORIGINAL

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Cindy Parks,
v.
PA American Water Co.
Initial Telephone

Docket No.: C-00015377

Prehearing Conference

Pittsburgh State Office Bldg.
300 Liberty Avenue
Room 1103
Pittsburgh, PA 15222

ORIGINAL

Monday, October 22, 2001
Commencing at 10:00 A.M.

BEFORE:

LARRY GESOFF, Administrative Law Judge

APPEARANCES:

CINDY PARKS, Pro Se
For the Complainant
(via telephone)

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WITNESS

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None

P R O C E E D I N G S

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3 JUDGE LARRY GESOFF:

4 This is the time and place set by the
5 Public Utility Commission for a telephonic prehearing
6 conference in the complaint of Cindy Parks against
7 Pennsylvania American Water Company at Docket Number
8 C-00015377. I'm Larry Gesoff the Administrative Law
9 Judge assigned to this proceeding. And I note the
10 following appearances. Cindy Parks, on behalf of
11 herself. Susan Simms Marsh, on behalf of Pennsylvania
12 American Water Company and Joel Cheskis and Dianne
13 Dussman for The Office of Consumer Advocates. Mr.
14 Cheskis, am I pronouncing your name correctly?

15 MR. CHESKIS:

16 Yes, you are, Your Honor.

17 JUDGE:

18 Okay. I believe that Ms. Dussman called
19 me earlier to give me Ms. Parks' --- the number on the
20 notice wasn't the right number to call. And she
21 indicated that although the parties did not have a
22 schedule to present the --- would update me with the
23 status of this proceeding. Who would like to speak
24 today?

25 MS. DUSSMAN:

1 I can start, Your Honor.

2 JUDGE:

3 And you are?

4 MS. DUSSMAN:

5 Dianne Dussman.

6 JUDGE:

7 Thank you.

8 MS. DUSSMAN:

9 We have received responses to the first
10 round of discovery and our next anticipated step was
11 to actually go out to the service territory and meet
12 with some of the people involved with the water
13 authority, et cetera. And we ran into a bit of a
14 problem there because they believe that any
15 discussions about water service in the area are
16 somehow subject to the Sunshine Law, it would have to
17 be done at a public meeting. So I have a call in to
18 their council out there to see if we can get around
19 that, have a conference call to get some information
20 without actually having to appear at a public meeting
21 but we haven't really resolved that yet. Be that as
22 it may, we are anticipating that we'll either get
23 around that or not and be able to meet with them say
24 within the next couple of weeks to collect some
25 further information about the need for water service

1 in the Township and a number of potential customers
2 out there. And probably could be ready by, I would
3 say, the end of November to go forward to hearing.

4 JUDGE:

5 Okay.

6 MS. DUSSMAN:

7 Now, some of that depends upon whether
8 Your Honor would want us to submit pre-filed written
9 testimony of our expert witnesses. We have had
10 varying responses to that. The company --- I don't
11 want to speak for you, Susan, but I think the last
12 time this issue came up you were of the opinion that
13 you shouldn't have to submit written testimony; is
14 that accurate?

15 MS. MARSH:

16 Dianne, we have no problem with moving
17 forward, to submit direct testimony, you know. The
18 OCA is going to and the Complainant is going to submit
19 direct testimony. We can submit direct testimony
20 after that. It doesn't matter to us.

21 MS. DUSSMAN:

22 Oh, it doesn't?

23 MS. MARSH:

24 No.

25 MS. DUSSMAN:

1 Okay. What would Your Honor's point of
2 view on that be?

3 JUDGE:

4 Well, if you have experts, yes. I think
5 written testimony will be valuable.

6 MS. DUSSMAN:

7 Okay. So then we would submit our
8 written testimony first, the company would submit
9 responsive testimony and ---.

10 JUDGE:

11 Right, and then we'd go to hearing.

12 MS. DUSSMAN:

13 Hearing. And then we could take the lay
14 testimony at the time of hearing?

15 JUDGE:

16 We could take what?

17 MS. DUSSMAN:

18 The lay testimony. The non-expert ---.

19 JUDGE:

20 Yes. Yes, that's correct.

21 MS. DUSSMAN:

22 Okay. Well, I guess that it would be
23 preferable if we checked with our consulting engineer
24 about the direct testimony. I guess we could target,
25 for example, about the 19th of November for us to

1 submit our expert testimony.

2 JUDGE:

3 Okay.

4 MS. DUSSMAN:

5 And then perhaps December 3rd for the
6 company's response to the expert testimony.

7 JUDGE:

8 Ms. Marsh, does that date meet your
9 approval?

10 MS. MARSH:

11 That date is fine with us, Your Honor.

12 JUDGE:

13 Okay.

14 MS. DUSSMAN:

15 And then perhaps --- well, I don't know
16 what Your Honor's schedule is, but perhaps within two
17 weeks after that or so.

18 JUDGE:

19 I'm looking. Yes, my hearing --- for the
20 week of the 17th is open. At least I think it's open
21 in Harrisburg. I probably should check on that first
22 before we go ahead with dates. So let me see.

23 MS. DUSSMAN:

24 I guess, Your Honor, I would just ask
25 that these be established as tentative dates pending

1 our checking in with our expert and arranging this
2 further fact-finding meeting out in the service
3 territory.

4 JUDGE:

5 Well, if they're tentative then we can't
6 really set them and we can't set a hearing date.

7 MS. DUSSMAN:

8 I could submit a letter within the next
9 week or so telling you what we've been able to
10 accomplish in terms of being more definite about that.
11 I have been conversing with Ms. Simms as well about
12 the company's schedule.

13 JUDGE:

14 All right. When should I expect --- the
15 letter would be an indication. I would like to see
16 the letter be an indication that you've agreed on the
17 filing schedule.

18 MS. DUSSMAN:

19 Yes. We would try to phrase it that way.

20 JUDGE:

21 Okay. And probably should contact the
22 scheduling office. I should.

23 MS. MARSH:

24 Your Honor, this is Ms. Marsh.

25 JUDGE:

1 Yes.

2 MS. MARSH:

3 The week of the 17th, just to let you
4 know is not a good week for Pennsylvania American.

5 JUDGE:

6 Okay.

7 MS. DUSSMAN:

8 The 17th of December?

9 MS. MARSH:

10 Yes.

11 JUDGE:

12 Okay. And the following two weeks are
13 probably not great.

14 MS. MARSH:

15 That's correct. But we are available the
16 week of January the 7th.

17 JUDGE:

18 January 7th.

19 MS. MARSH:

20 Yes.

21 MS. DUSSMAN:

22 I see no problem with that, Your Honor,
23 in light of the fact that we're going to be seeing the
24 end of construction season anyway. It doesn't really
25 seem to --- a couple weeks isn't going to make that

1 great deal of a difference.

2 JUDGE:

3 Okay. And the hearings will be here in
4 Pittsburgh.

5 MS. DUSSMAN:

6 Well, that's what I was contemplating is
7 they're generally made so that the Complainant
8 witnesses can most easily get there.

9 JUDGE:

10 How far is Hickory from Pittsburgh? It's
11 not far; is it?

12 MS. DUSSMAN:

13 I had the impression it was about an hour
14 or an hour and a half.

15 JUDGE:

16 Ms. Parks?

17 MS. PARKS:

18 Yes. That's right, sir. About an hour,
19 hour and a half.

20 JUDGE:

21 All right. Is one day sufficient or
22 should we schedule more than one?

23 MS. DUSSMAN:

24 I guess to err on the side of caution we
25 ought to schedule two. I guess we're not sure at this

1 point how many consumer Complainants we'll have
2 showing up.

3 JUDGE:

4 Okay. So I will --- Ms. Dussman, if you
5 don't hear from me to the contrary, you can assume
6 that I put a hold on my hearing schedule for the week
7 of January 7th, that any two days that week are okay.

8 MS. DUSSMAN:

9 Okay. That's great.

10 JUDGE:

11 Now, I did notice in the file that this
12 matter --- Chief A.L.J. Christianson had directed the
13 party to hold a settlement conference and file a
14 report ten days thereafter. This is back in June or
15 July and the mediation report was completed with a
16 notation that the report had not been submitted. Was
17 there any conference held?

18 MS. MARSH:

19 Your Honor, there was no conference held
20 because soon after receiving the order from the Judge
21 there was a motion to consolidate the matter with
22 Pennsylvania American Water Company's pending break
23 case.

24 JUDGE:

25 Right. And I know how that motion was

1 denied and that's why we're here. Are the parties
2 contemplating any conferences between now and, for
3 instance, when the direct testimony is due or after
4 the testimony is due?

5 MS. DUSSMAN:

6 Actually, Your Honor, this is Dianne
7 Dussman. I can speak to that. I did a brief
8 conversation not with Ms. Simms herself but with some
9 other Pennsylvania American folks and my intention was
10 to catch up with her about the idea that I proposed
11 during that brief conversation, which I won't go into
12 here on the line. But I will talk with Ms. Simms
13 after this conference about whether that information
14 sloped to her and whether we can expect any response
15 from the company.

16 JUDGE:

17 And this is regarding whether you would
18 hold a settlement conference?

19 MS. DUSSMAN:

20 No, no. Actually it was an idea through
21 which we may be able to settle the case.

22 JUDGE:

23 Oh, okay. All right. So I can just
24 indicate settlement negotiations are in process.

25 MS. MARSH:

1 That's fine, Your Honor.

2 JUDGE:

3 Okay. All right. I think I'll just get
4 out a short prehearing order today indicating that
5 this tentative schedule has been agreed upon and that
6 settlement negotiations are still in process. And
7 then when I receive your letter, I'll just probably
8 send out a second --- interim --- I guess I'll call it
9 interim order. A second interim order nailing down
10 the schedule.

11 MS. DUSSMAN:

12 So we should try to get your letter on
13 the fax machine by no later than next Monday, the
14 29th?

15 JUDGE:

16 Okay. Ms. Parks, is this all agreeable
17 to you?

18 MS. PARKS:

19 Yes.

20 JUDGE:

21 Okay. Is there anything else we need to
22 discuss?

23 MS. MARSH:

24 No, Your Honor. This is Ms. Marsh.

25 JUDGE:

1 Okay.

2 MS. DUSSMAN:

3 No, there's nothing else that I know of,
4 Your Honor.

5 JUDGE:

6 Okay. Well, thank you all very much.
7 Good luck in settlement negotiations. If not, we'll
8 see you at the hearing.

9 MS. DUSSMAN:

10 Is it okay if I give you a call right
11 now?

12 MS. MARSH:

13 Probably about 30 minutes.

14 MS. DUSSMAN:

15 Okay. What's your direct number again?

16 JUDGE:

17 Okay. Bye everyone.

18

19 * * * * *

20 HEARING CONCLUDED AT 10:13 A.M.

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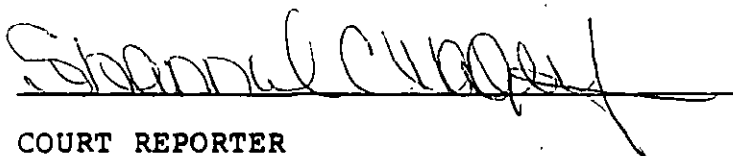
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