

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Vincent Horvath;	:	C-20055305
Sandy & Victor Berkey;	:	C-20055316
Richard & Juliette Laury;	:	C-20055317
Parveen & Pramila Gupta;	:	C-20055318
Armando Villiani;	:	C-20055319
Anthony A. Strobel;	:	C-20055320
Elaine D. Hokenson;	:	C-20055321
George J. Raykos;	:	C-20055324
Mr. & Mrs. John Horvath;	:	C-20055346
Jeffrey B. Benner;	:	C-20055374
Floyd & Dolores Kennedy;	:	C-20055392
Lisa & David Balash;	:	C-20055406
Donald Wertman;	:	C-20055417
Kria & Joe Saveri;	:	C-20055470
Frederick M. Ronca;	:	C-20055494
Office of Consumer Advocate; Complainants	:	C-20055509
	:	
v.	:	
	:	
Utilities, Inc. – Westgate	:	

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**PREHEARING CONFERENCE ORDER**

Dated November 30, 2005, an Initial Hearing Notice for Wednesday, February 1, 2006, at 10:00 a.m. is scheduled in this case. This is to be a **prehearing conference** as there are matters that need to be discussed before an evidentiary hearing can begin. The prehearing conference will be held in this matter in an available hearing room on the 13<sup>th</sup> floor of the Philadelphia State Office Building. The hearing for this matter is not yet scheduled.

The complaining parties to this proceeding filed various complaints regarding the water quality and service provided by Utilities, Inc. – Westgate (“UIW” or “Respondent”) on or about September 9, 2005 through October 3, 2005. By Order dated November 15, 2005, I consolidated the individual complaints to one proceeding. By Order at Application of Penn Estates Utilities, Inc., et al., Docket Nos. A-210072F0003; A-230063F0003; A-230013F0004; A-

BTL

210093F0002 dated January 17, 2006, I denied the request to change the venue of that proceeding in the service territory of UIW (“January 17<sup>th</sup> Order”). However in the January 17<sup>th</sup> Order it was suggested that the parties consider an evidentiary hearing in the service territory at this docket.

The participants are reminded of the availability of the Commission’s rules on discovery, found in Subchapter D, Chapter 5 of Title 52 of the Pennsylvania Code for learning the facts underlying each party’s position on the pending application. The participants 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 participants, and must be submitted in writing no later than five (5) days prior to the Prehearing Conference. 52 Pa. Code § 1.15(b). Requests for changes of Prehearing Conference dates must be sent to me and all participants of record. The correct address is: Administrative Law Judge Angela T. Jones, 1302 Philadelphia State Office Building, 1400 West Spring Garden Streets, Philadelphia, PA 19130. Changes are granted only in rare situations where good cause exists. In accordance with the foregoing, absent a continuance for good cause, all participants must be prepared to participate in the scheduled Prehearing Conference.

2. Participants should review the regulation pertaining to prehearing conferences, 52 Pa. Code § 5.222, and in particular, subsection (d) which provides, in part:

(d) Participants 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. The preparation should include, among other things, advance study of all relevant materials, and advance informal communication between the participants, including requests for additional data and information, to the extent it appears feasible and desirable. (Emphasis added.)

3. **The OCA and the counsel for UIW must file and serve, at least two (2) days before the Prehearing Conference, a prehearing conference memorandum which sets forth the history of the proceeding, the issues you intend to present, a listing of your proposed**

witnesses and the subject of their testimony, and a proposed litigation schedule, agreed upon by all the parties, if possible, that allows for a reasonable date to close the record. If applicable, the proposed litigation schedule should also propose a date(s) for receiving prepared written testimony prior to the hearing date. If possible, consider settlement conferences when scheduling.

4. Participants should review the regulations relating to discovery, specifically 52 Pa. Code § 5.331(b), which provides, *inter alia*, that “[p]articipants shall endeavor to 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 participants are urged to cooperate in discovery. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§ 5.361, 5.371-5.372.

5. 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, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa. Code § 1.24(b).

6. You must serve me directly with a copy of any document that you file in this proceeding. If you send me any correspondence or document, you must send a copy to all other active parties. For your convenience, a copy of the Commission’s current service list of the participants to this proceeding is enclosed with this Order.

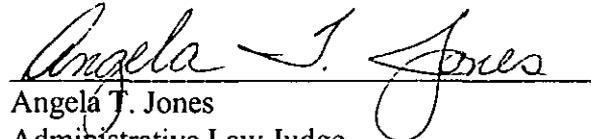
7. If written testimony is chosen to be submitted, the participant should submit the testimony conforming to the requirements of 52 Pa. Code § 5.412(e) and exhibits with respect

to the complaint proceeding. Prepared written testimony must be served on me and each participant on a date established at the prehearing conference.

**8. If a participant does not appear at the prehearing conference, that participant will not be treated as an active party to this proceeding unless the participant has stated otherwise in writing prior to the prehearing conference and has served that correspondence upon all parties on the service list.**

9. Information on place(s), date(s) and availability of a facility(s) in the UIW service territory should be obtained and brought to the prehearing conference so that informed decisions can be made.

Date: January 18, 2006

  
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Angela T. Jones  
Administrative Law Judge