**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Pennsylvania American Water Company :

For Approval of Tariff Changes and Accounting : P-2017-2606100

And Rate Treatment Related to Replacement :

Of Lead Customer-Owned Service Pipes :

**PROCEDURAL ORDER**

On August 8, 2017, a prehearing conference was held in the above-captioned matter. Appearing for Pennsylvania American Water Company (PAWC) were: Susan Simms Marsh, Esquire, Brooke McGlinn, Esquire, and Anthony DeCusatis, Esquire. Appearing for Intervenor Office of Consumer Advocate (OCA) was Christine Maloni Hoover, Esquire. Appearing for Intervenor Office of Small Business Advocate was Elizabeth Rose Triscari, Esquire. Appearing for Intervenor Bureau of Investigation and Enforcement (I&E) was Carrie Wright, Esquire. This order sets forth the procedural matters addressed at the prehearing conference.

THEREFORE,

IT IS ORDERED:

1. That pursuant to 52 Pa. Code §1.55, the service list is as attached to this order.

2. That the following procedural schedule is adopted.

|  |  |
| --- | --- |
| Intervenors’ Direct Testimony | October 23, 2017 |
| Settlement Conference | TBD |
| Rebuttal Testimony | November 17, 2017 |
| Surrebuttal Testimony | November 30, 2017 |
| Oral Rejoinder and Hearings | January 17-18, 2018 |
| Main Briefs | March 1, 2018 |
| Reply Briefs | March 15, 2018 |

3. That the evidentiary hearing will be held in Harrisburg in an available hearing room in the Commonwealth Keystone Building and will begin at 10:00 a.m. on January 17, 2017.

4. That the transcript turnaround time for the evidentiary hearing shall be twenty-one (21) days.

5. That the parties are encouraged to discuss settlement negotiations and if an amicable agreement is reached prior to the hearing, a Joint Petition for Settlement with Statements in Support should be filed.

6. That counsel for Pennsylvania-American Water Company shall coordinate the order of witnesses and estimated time for cross-examination by each party, and will supply a copy of the witness order to the presiding officer by January 16, 2018.

7. That motions or objections with respect to written testimony must be presented in writing and provided to the parties and the presiding officer no later than close of business on Friday, January 12, 2018.

8. That the parties shall conduct discovery, attend hearings, or present or cross-examine witnesses, as appropriate. The parties shall serve the documents listed above so that the documents are received in-hand by the parties and presiding officer no later than 4:30 p.m. on the dates listed, unless otherwise indicated. Parties may serve the documents listed in Ordering Paragraph No. 2 via e-mail to meet this requirement, with hard copy to follow by regular first class mail, so long as the electronic version is Microsoft Word compatible. Parties shall not file testimony with the Commission, but shall file a certificate of service.

9. That written testimony shall comply with the requirements of 52 Pa.Code § 5.412 and shall be marked with numerical, sequential statement numbers. Parties serving pre-served testimony pursuant to 52 Pa.Code § 5.412(f) are required, within thirty (30) days after the final hearing, to either eFile with or provide to the Secretary’s Bureau a Compact Disc (CD) containing all testimony furnished to the court reporter during the proceeding, consistent with the Commission’s Implementation Order, dated January 10, 2013, at Docket No. M-2012-2331973.

10. That all parties shall comply with the provisions of 52 Pa.Code §5.243(e) which prohibits the introduction of evidence during rebuttal which should have been included in the party’s case-in-chief or which substantially varies from the party’s case-in-chief, unless the party is introducing evidence in support of a proposed settlement.

11. That the parties shall conduct discovery pursuant to 52 Pa.Code §§5.321-5.373 as modified as follows.

a. Before September 25, 2017, answers to written interrogatories will be served in-hand within fifteen (15) calendar days of service of the interrogatories;

b. On or after September 25, 2017, answers to written interrogatories will be served in-hand within ten (10) calendars days of service of the interrogatories;

c. Objections to interrogatories will be communicated orally within three (3) calendar days of service; unresolved objections shall be served no the parties in writing within five (5) calendar days of service of the interrogatories;

d. Motions to dismiss objections and/or direct the answering or interrogatories will be filed within three (3) calendar days of service of written objections;

e. Answers to motions to dismiss objections and/or direct the answering of interrogatories will be filed within three (3) calendar days of service of such motions;

f. Any discovery or discovery related pleadings such as objections, motions, or answers to motions served after noon (12 p.m.) on a Friday or on any business day preceding a state holiday shall be deemed to have been served on the following business day for purposes of tracking responsive due dates;

g. Due dates will be “in-hand” with electronic service on the due date satisfying the “in-hand” requirement and where such service is immediately followed by a hard copy sent by first-class mail;

h. Before September 25, 2017, responses to requests for document production, entry for inspection or other purposes will be served in-hand within ten (10) calendar days:

g. On or after September 25, 2017, responses to requests for document production, entry for inspection or other purposes will be served in-hand within five (5) calendar days;

h. Requests for admission will be deemed admitted unless answered within five (5) calendar days of service; and

i. Rulings over motions shall be issued, if possible, within seven (7) calendar days of the filing of the motion.

12. That the parties shall stipulate to any matters they reasonably can to expedite this proceeding, lessen the burden of time and expenses in litigation on all parties and conserve administrative hearing resources. 52 Pa.Code §§ 5.232 and 5.234.

13. That the evidentiary hearings in this matter constitute a formal legal proceeding and will be conducted in accordance with the Commission’s Rules of Administrative Practice and Procedure, as well as the rules of evidence as applied to administrative hearings.

14. That any provision of this Order may be modified upon motion and good cause shown by any party in interest in accordance with 52 Pa.Code § 5.223(a).

Date: August 9, 2017

Elizabeth H. Barnes

Administrative Law Judge

**P-2017-2606100 - PETITION OF PAWC FOR APPROVAL OF TARIFF CHANGES AND ACCOUNTING AND RATE TREATMENT RELATED TO REPLACEMENT OF LEAD CUSTOMER-OWNED SERVICE PIPES**

***Revised 8/9/17***

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