



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE
C-2015-2512950

September 20, 2017

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Pennsylvania Public Utility Commission, Bureau of Investigation and
Enforcement v. Bushkill Group Inc.
Docket No. C-2015-2512950
(Second Joint Motion for Continuance)

Dear Secretary Chiavetta:

Enclosed for electronic filing is the Second Joint Motion for Continuance on behalf of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission and Bushkill Group Inc. in the above-captioned matter.

Copies have been served on the parties of record in accordance with the Certificate of Service.

Sincerely,

A handwritten signature in blue ink, appearing to read "Step M. Wimer".

Stephanie M. Wimer
Prosecutor

Enclosure

cc: Honorable Dennis J. Buckley
Michael L. Swindler, Deputy Chief Prosecutor, I&E
As per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2015-2512950
	:	
Bushkill Group Inc.	:	

SECOND JOINT MOTION FOR CONTINUANCE

AND NOW come the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”), Complainant in the above-captioned matter, and Bushkill Group Inc. (“Bushkill”), Respondent in the above-captioned matter, (collectively, “Joint Parties”) and file this Second Joint Motion for Continuance pursuant to Section 1.15(b) of the Commission’s regulations, 52 Pa. Code § 1.15(b). The Joint Parties request a continuance of the Initial Prehearing Conference scheduled for October 4, 2017, and in support thereof, aver as follows:

1. On November 15, 2015, I&E filed a Formal Complaint (“Complaint”) against Bushkill alleging violations of the Gas and Hazardous Liquids Pipeline Act, 58 P.S. §§ 801.101, *et seq.* (“Pipeline Act” or “Act 127”).
2. On December 16, 2015, Bushkill filed Preliminary Objections, which seek dismissal of the Complaint on grounds of insufficient specificity and legal insufficiency.¹
3. On January 7, 2016, I&E filed an Answer to the Preliminary Objections of Bushkill and requested that the Preliminary Objections be dismissed and I&E’s Complaint be sustained.²

¹ By Secretarial Letter dated November 25, 2015 in the above-captioned proceeding, Bushkill was granted an extension of time until December 16, 2015 to file any pleadings in response to the Complaint.

² By Secretarial Letter dated December 22, 2015 in the above-captioned proceeding, I&E was granted an extension of time until January 7, 2016 to file its response to Bushkill’s Preliminary Objections.

4. By Hearing Notice dated January 27, 2016, an Initial Hearing was scheduled in this matter for Friday, February 26, 2016 at 10:00 AM in Harrisburg, PA before Administrative Law Judge (“ALJ”) Dennis J. Buckley.

5. On February 22, 2016, I&E and Bushkill filed a Joint Motion for Continuance requesting a continuance of the Initial Hearing because a ruling regarding Bushkill’s Preliminary Objections and I&E’s Answer thereto had not yet been issued, and no Answer to I&E’s Complaint had been filed.³

6. By Interim Order dated February 25, 2016, the presiding ALJ granted the parties’ Joint Motion for Continuance, stating that “a Preliminary Objection filed by Bushkill and responded to by I&E remains to be ruled on, so the Motion will be granted.”

7. A ruling regarding Bushkill’s Preliminary Objections and I&E’s Answer thereto has still not been rendered. Further, since one of Bushkill’s Preliminary Objections asserts insufficient specificity, no Answer to I&E’s Complaint has been filed.⁴

8. By Notice dated August 16, 2017, an Initial Prehearing Conference is scheduled for October 4, 2017 at 10:00 AM in Harrisburg.

9. Pursuant to Section 5.222(c) of the Commission’s regulations, 52 Pa. Code § 5.222(c), the purpose of a prehearing conference in nonrate proceedings is to determine, *inter alia*, the amount of hearing time necessary, arrangements for the submission of written testimony, a proposed plan for discovery, the exchange of exhibits to be offered into evidence, the number of witnesses and possibilities for settlement.

³ Since one of Bushkill’s Preliminary Objections asserts insufficient specificity in the Complaint, an answer is not required until further directed by the presiding officer or the Commission. 52 Pa. Code § 5.101(e)(1).

⁴ See 52 Pa. Code § 5.101(e)(1).

10. Given that Bushkill's Preliminary Objections have not been ruled on and no Answer to I&E's Complaint has been filed, it is difficult for the Joint Parties to formulate positions on the matters that are considered at prehearing conferences. As such, holding a prehearing conference at this time is premature.

11. Accordingly, the Joint Parties respectfully request a continuance of the scheduled Initial Prehearing Conference in the above-captioned matter since a Preliminary Objection filed by Bushkill and responded to by I&E remains to be ruled on.

WHEREFORE, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement and the Bushkill Group Inc. respectfully request that the Initial Prehearing Conference scheduled for October 4, 2017 in the above captioned-matter be continued until such time that the Preliminary Objections filed by the Bushkill Group Inc. have been decided.

Respectfully Submitted,



Stephanie M. Wimer
Prosecutor
PA Attorney ID No. 207522

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Deputy Chief Prosecutor
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Dated: September 20, 2017

Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement

v.

Bushkill Group Inc.

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Docket No. C-2015-2512950

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Service by First Class Mail and Electronic Mail:

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Dated: September 20, 2017