



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

June 13, 2018

**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  
**(Motion to Postpone Hearing by One Day)**

Dear Secretary Chiavetta:

Enclosed for electronic filing is a Motion on behalf of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission to postpone the Initial Hearing scheduled for June 28, 2018 in the above-referenced matter by one day and hold the hearing on June 29, 2018. Counsel for the Bushkill Group Inc. has no objection to the requested postponement and holding the hearing on June 29, 2018.

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 "S. Wimer", is positioned above the typed name of the sender.

Stephanie M. Wimer  
Senior 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,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2015-2512950
	:	
Bushkill Group Inc.,	:	
Respondent	:	

**NOTICE TO PLEAD**

*To: Bushkill Group Inc.*

Pursuant to 52 Pa. Code §§ 1.15(b) and 5.103, the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission has filed a Motion to Postpone the Initial Hearing by One Day in the above-referenced matter. You are hereby notified that the Bureau of Investigation and Enforcement has requested an expedited response period of five (5) days from the date of this Motion. Your response must be filed with the Secretary of the Pennsylvania Public Utility Commission:

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

A copy must also be served on the presiding officer and parties of record.



\_\_\_\_\_  
Stephanie M. Wimer, Senior Prosecutor  
PA Attorney ID No. 207522

Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Dated: June 13, 2018

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
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	:	
Bushkill Group Inc.,	:	
Respondent	:	

**MOTION TO POSTPONE THE  
INITIAL HEARING  
BY ONE DAY**

AND NOW comes the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”), Complainant in the above-captioned matter, and files this Motion to Postpone the Initial Hearing by One Day pursuant to Sections 1.15(b) and 5.103 of the Commission’s regulations, 52 Pa. Code §§ 1.15(b) and 5.103. In support thereof, I&E avers as follows:

1. On November 15, 2015, I&E filed a Formal Complaint (“Complaint”) against the Bushkill Group Inc. (“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.<sup>1</sup> As Bushkill’s Preliminary Objections allege insufficient specificity in the Complaint, Bushkill did not file an Answer to I&E’s Complaint pursuant to Section 5.101(e) of the Commission’s regulations, 52 Pa. Code § 5.101(e).

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<sup>1</sup> 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.

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.<sup>2</sup>

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.

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

8. On September 20, 2017, the parties renewed their Joint Motion for Continuance and stated that since "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."

9. By Notice dated November 16, 2017, a further Prehearing Conference was scheduled for January 3, 2018.

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<sup>2</sup> 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.

10. On January 3, 2018, an off-the-record prehearing conference was held in which the parties were afforded until February 23, 2018 to hold settlement discussions.

11. On February 23, 2018, the parties submitted a joint status report requesting an additional sixty (60) days to continue settlement discussions. The status report also memorialized I&E's agreement to stay responses to its Set I Interrogatories and Requests for Production of Documents, which were served upon Bushkill on February 14, 2018, during the course of settlement discussions. The sixty (60) day continuance was granted.

12. On March 27, 2018, the parties provided the presiding ALJ with an update on the status of settlement discussions, noting that an in-person meeting was scheduled for March 28, 2018.

13. On April 23, 2018, the parties submitted an additional status report confirming that they had met as planned on March 28, 2018, remarking that progress was being made towards a potential resolution of this matter and requesting an additional sixty (60) day extension of time.

14. By Order dated April 26, 2018, the matter was continued until June 1, 2018 and the parties were directed to resolve the matter with an appropriate filing or provide a stipulation of facts to the extent practicable.

15. Unfortunately, by June 1, 2018, the parties were unable to file an agreement fully resolving the matter or provide a comprehensive stipulation of facts. The parties noted that Bushkill is in the process of merging with another company which resulted in some personnel changes, including a change to Bushkill's in-house counsel. The parties requested an additional sixty (60) day extension of time to earnestly pursue and hopefully finalize settlement discussions.

16. By Notice dated June 11, 2018, an Initial Telephonic Hearing was scheduled for June 28, 2018 at 10:00 AM.

17. By Corrected Hearing Notice dated June 12, 2018, an Initial Hearing is scheduled for June 28, 2018 in Hearing Room 5 of the Commonwealth Keystone Building in Harrisburg.

18. I&E moves to postpone the Initial Hearing by one day and hold the hearing on Friday, June 29, 2018, as I&E's assigned prosecutor for this matter is unavailable on June 28, 2018 due to a previously scheduled medical appointment.

19. I&E further requests that a ruling regarding Bushkill's Preliminary Objections be rendered in advance of the Initial Hearing. If the Preliminary Objections are denied, I&E requests that Bushkill be directed to file an Answer to I&E's Complaint pursuant to 52 Pa. Code § 5.101(e)(1) and that the Answer be filed at least ten (10) days in advance of the Initial Hearing.

20. Additionally, I&E requests that the stay of discovery be lifted and that Bushkill be directed to provide responses to I&E's Set I Interrogatories and Requests for Production of Documents, which were served on February 14, 2018, ten (10) days in advance of the Initial Hearing.

21. Given that the Initial Hearing is fifteen (15) days from this date, I&E further requests that a response to the instant Motion be made within five (5) days from this date instead of the standard twenty (20) day response period as set forth in 52 Pa. Code § 5.103(c). Additionally, I&E respectfully requests that a ruling on this Motion be made shortly after the proposed expedited five (5) day response period.

WHEREFORE, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that the Initial Hearing scheduled for June 28, 2018 in the above captioned-matter be postponed by one day, until June 29, 2018, due to the unavailability of counsel, that a ruling regarding the Preliminary Objections of the Bushkill Group Inc. be rendered and, if the Preliminary Objections are denied, an Answer be filed to the Complaint, and that the Bushkill Group Inc. be directed to provide responses to the Bureau of Investigation and Enforcement's Set I Interrogatories and Requests.

Respectfully Submitted,



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Stephanie M. Wimer  
Senior Prosecutor  
PA Attorney ID No. 207522

Michael L. Swindler  
Deputy Chief Prosecutor  
PA Attorney ID No. 43319

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
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[mwindler@pa.gov](mailto:mwindler@pa.gov)

Dated: June 13, 2018

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

**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:

Thomas J. Sniscak, Esquire  
 Whitney E. Snyder, Esquire  
 Hawke McKeon & Sniscak LLP  
 100 North Tenth Street  
 Harrisburg, PA 17101  
[tjsniscak@hmslegal.com](mailto:tjsniscak@hmslegal.com)  
[wesnyder@hmslegal.com](mailto:wesnyder@hmslegal.com)

*Counsel for Bushkill Group Inc.*




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Stephanie M. Wimer  
 Senior Prosecutor  
 PA Attorney ID No. 207522

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Dated: June 13, 2018