**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission : R-2018-3003141

Office of Consumer Advocate : C-2018-3003732

:

:

v. :

:

Borough of Indiana :

**PREHEARING CONFERENCE ORDER**

A Prehearing Conference is scheduled in this case for **Wednesday, September 5, 2018 at 9:00 a.m.** The undersigned administrative law judge will preside telephonically from a 2nd Floor Hearing Room, Piatt Place, 301 Fifth Avenue, Suite 220, Pittsburgh, Pennsylvania 15222. To participate in the hearing, you must dial the toll-free number listed below. You will be prompted to enter a PIN number, which is also listed below. You will be asked to speak your name and then the telephone system will connect you to the hearing.

Toll-free Bridge Number: 1-855-750-1027

PIN Number: 341525

**You must call into the conference on the scheduled day and time. Failure of any party to attend the prehearing conference without good cause shall constitute a waiver of all objections to the agreements reached and matters decided at the prehearing conference. You will not be called by the Administrative Law Judge.**

The parties are hereby directed to comply with the following requirements:

1. Each party must file and serve, prior to **3:00 p.m.** on **Tuesday, September 4, 2018**, a Prehearing Conference Memorandum which sets forth the history of the proceeding, the issues you intend to present, a proposed plan and schedule of discovery, a listing of your proposed witnesses and the subject of their testimony, and a proposed litigation schedule, agreed to by all parties if possible, which requires the filing of reply briefs by **December 22, 2018**. If the parties agree to participate in mediation, the reply brief date and concomitant litigation schedule may be extended accordingly. Receipt for prehearing memoranda may be accomplished by either overnight mail or via electronic mail transmission.
2. A request for a change of the scheduled prehearing conference date 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 initial prehearing conferences must be sent to the undersigned Administrative Law Judge, Piatt Place, 301 Fifth Avenue, Suite 220, Pittsburgh, PA 15222, with copies to all parties of record. Such changes are granted only in rare situations where sufficient cause exists.

In accordance with the foregoing, all parties must be prepared to participate in the scheduled prehearing conference.

1. Please review the regulations pertaining to prehearing conferences, 52 Pa.Code § 5.221-§ 5.224, and in particular, § 5.222(d) which provides, in part:

(d) Parties 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.

(1) The preparation must include submission of a prehearing memorandum and list:

(i) The presently identified issues.

(ii) The names and addresses of the witnesses.

(iii) The proposed area of testimony of each witness.

(2) The preparation may include:

(i) Development of a proposed procedural schedule.

(ii) Advance study of all relevant materials.

(iii) Advance informal communication between the parties, including requests for additional data and information, to the extent it appears feasible and desirable.

(Emphasis added).

1. Parties should review the regulations relating to discovery, specifically 52 Pa.Code § 5.331(b), which provides, *inter alia*, that “a party shall initiate discovery as early in the proceedings as reasonably possible,” and 52 Pa.Code § 5.322, which encourages parties to exchange information on an informal basis. All parties are urged to cooperate in discovery. Such cooperation is preferable to numerous or protracted discovery disagreements, which require the presiding officer’s participation for resolution. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa.Code §§ 5.361, 5.371‑5.372.
2. 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, limited liability company, 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).
3. Failure of a party to attend the prehearing conference, or notify the presiding officer of their desire to fully participate without good cause shown, shall constitute a waiver of all objections to the agreements reached and matters decided at the prehearing conference, including, but not limited to, any special discovery rules and the litigation schedule established for this case. 52 Pa.Code §§ 5.222(e) & 5.224.

1. **You must serve the presiding officer directly with a copy of any document that you file in this proceeding**. If you send the undersigned any correspondence or document, you must send a copy to all other parties.

Date: August 29, 2018 /s/

Mary D. Long

Administrative Law Judge

**R-2018-3003141 - PENNSYLVANIA PUBLIC UTILITY COMMISSION v. BOROUGH OF INDIANA**

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