

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Re: Hoffman & Kozlansky Realty/Olympia Chimney Supply v.
Pennsylvania American Water Company
C-2018-3006168**

**MOTION TO CHANGE MARCH 6, 2019 CALL-IN TELEPHONE
HEARING TO PRE-HEARING CONFERENCE**

AND NOW come the Complainants, Hoffman & Kozlansky Realty/Olympia Chimney Supply, by and through their Counsel, Ernest D. Preate Jr., Esq. bringing this Motion to Change, as premature, the scheduled March 6, 2019 Initial Call-In Telephone Hearing to a Prehearing Conference pursuant to 66 P.S. §333(a) and 52 Pa. Code § 5.224 and setting forth the following in support thereof:

1. Notice of a Call-In Telephone Hearing dated January 17, 2019, scheduling an Initial Telephonic Hearing for March 6, 2019 before Administrative Law Judge, Steven K. Haas has been received by all Parties.

2. Said Notice states witnesses can participate in the Hearing and all Exhibits sought to be introduced at the Hearing must be submitted five (5) days in advance of the scheduled hearing.

3. Complainants believe prior to the scheduling of Hearings before the Administrative Law Judge, it is essential there be a Prehearing Conference to expedite the orderly conduct and disposition of the proceedings.

4. 52 Pa. Code § 5.224 (a) states:

To make possible a more effective use of hearing time in formal proceedings, other than rate proceedings which are governed by § 5.224 (relating to prehearing conference in rate proceedings), to otherwise expedite the orderly conduct and disposition of the proceedings and to serve the ends of justice and the public interest, it is the policy of the Commission to arrange for conferences between parties to the proceedings prior to the commencement of hearings.

5. 66 P.S. 333(a) states:

333. Prehearing procedures.

(a) Conferences.--The presiding officer shall have the authority to hold one or more prehearing conferences during the course of the proceeding on his own motion or at the request of a party to the proceeding. The

presiding officer shall normally hold at least one prehearing conference in proceedings where the issues are complex or where it appears likely that the hearing will last a considerable period of time. In addition to other matters which the commission may prescribe by rule, the presiding officer at a prehearing conference may direct the parties to exchange their evidentiary exhibits and witness lists prior to the hearing. Where good cause exists, the parties may at any time amend, by deletion or supplementation, their evidentiary exhibits and witness lists.

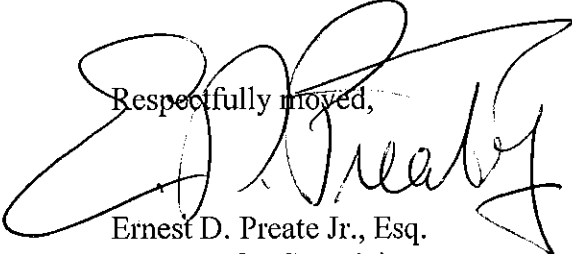
6. Complainants have conducted a search and just secured an Expert Witness, Charles Dutill, P.E., D.P.E. of West Chester , PA, to testify at Hearing. Mr. Dutill will need at least thirty (30) days to complete his investigation and prepare his Report.

7. Complainants are preparing Discovery requests to facilitate the Expert Report for submission to the Administrative Law Judge and Respondent prior to the time of Hearing.

8. Pursuant to 52 Pa. Code § 5.224 (b), (c) (1), (2), (3) and (4) there are a number of issues that can be resolved in a Prehearing Conference such as a Discovery Schedule including Interrogatories, Motion for Production of Documents, Submission of Expert Reports, Requests for Admissions, Stipulations of Facts, etc.

WHEREFORE, to expedite the orderly conduct and disposition of these proceedings, Complainants respectfully request ALJ Haas to change the March 6, 2019 Hearing Date to time and place for a telephonic Call-In Prehearing Conference.

Respectfully moved,



Ernest D. Preate Jr., Esq.
Attorney for Complainants

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CERTIFICATE OF SERVICE

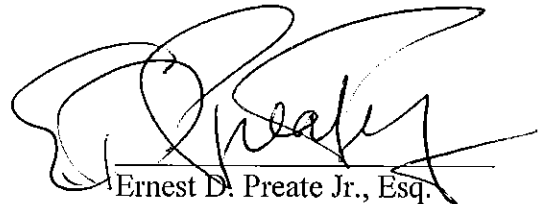
I, Ernest D. Preate Jr., Esq., hereby certify that I have served the foregoing Motion to Change March 6, 2019 Call-In Telephone Hearing to Prehearing Conference on the individuals and in the manner set forth below:

Susan Simms Marsh, Esq.
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Dated:

Feb 15 2019


Ernest D. Preate Jr., Esq.