**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission : R-2019-3008208

Office of Consumer Advocate : C-2019-3011959

: C-2019-3012589

:

v. :

:

Wellsboro Electric Company :

Pennsylvania Public Utility Commission : R-2019-3008209

Office of Consumer Advocate : C-2019-3011850

Larry E. Cole : C-2019-3012219

Athens Borough : C-2019-3012397

South Waverly Borough : C-2019-3012396

:

v. :

:

Valley Energy, Inc. :

Pennsylvania Public Utility Commission : R-2019-3008212

Office of Consumer Advocate : C-2019-3011849

:

v. :

:

Citizens Electric Company of Lewisburg :

**PREHEARING CONFERENCE ORDER**

An Initial Prehearing Conference is scheduled in the above-captioned proceedings for Friday, September 13, 2019, at 10:00 a.m. in the Commonwealth Keystone Building, 400 North Street, Harrisburg, PA. The parties are directed to comply with the following directives:

1. All parties must serve the Presiding Officers directly (electronically at [sthaas@pa.gov](mailto:sthaas@pa.gov), and benmeyers@pa.gov and by hard copy) with any document you file in this proceeding**.** If you send us any documents or correspondence, you must also send a copy to all other parties in the case. It is not sufficient to file documents with the Secretary’s Bureau and expect us to receive copies of your filing in a timely manner. The current service list is attached to this order. Our correct address is:

Administrative Law Judge Steven K. Haas

Administrative Law Judge Benjamin Myers

Pennsylvania Public Utility Commission

PO Box 3265

Harrisburg PA 17105-3265

2. Pursuant to 52 Pa. Code §§1.21-1.23, you may represent yourself, if you are an individual or sole proprietorship, 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, corporation, trust, association, joint venture, other business organization, trust, trustee, legal representative, receiver, agency, governmental entity, municipality or other political 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 ensure that their appearances are entered in accordance with the provisions of 52 Pa. Code § 1.24(b).

3. Failure of a party to participate in the prehearing conference shall constitute a waiver of all objections to the agreements reached, and any orders or rulings issued with respect thereto.

4. Please review the regulation pertaining to prehearing conferences at 52 Pa. Code § 5.222. Be prepared to discuss possibilities for settlement, discovery issues, issues relating to the public input and evidentiary hearings that will be held, service among parties and all other procedural issues relevant to this proceeding. In addition, note subsection (d), which provides, in part:

(d) Parties and counsel are expected to attend the conference fully prepared for a useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto. 52 Pa. Code § 5.222.

5. The following matters shall be addressed at the prehearing conference:

1. Establishment of the official service list, and an informal e-mail distribution list.
2. Public input hearings.
3. Modification of the Commission’s rules pertaining to discovery (52 Pa. Code, Subchapter D) and subpoenas (52 Pa. Code §5.421).
4. Other matters that may aid in the orderly conduct and disposition of the proceedings and the furtherance of justice, including but not limited to the following:
5. Simplification of the issues;
6. Consolidation of the proceedings;
7. The obtaining of admissions as to, or stipulations of, facts not in dispute, or the authenticity of documents which might properly shorten the hearing;
8. Limitations as to the number of witnesses;

(4) Limitations of time and scope for direct and cross-examinations;

6. The parties are directed to confer prior to the prehearing conference and attempt to develop a mutually acceptable litigation schedule. The deadline for the submission of reply briefs in these proceeding will be December 16, 2019. This date is firm. All other prior deadlines may be determined by agreement of the parties, subject to our approval.

7. On or before 12:00 p.m. on Wednesday, September 11, 2019, each litigating party shall file and serve a prehearing memorandum which shall include (1) a proposed litigation schedule, (2) a list of the issues and sub-issues in this proceeding that the party intends to address and a statement of the party’s position on each of the issues and sub-issues listed, (3) the names, business addresses, and telephone numbers of witnesses the party expects to call and the subject matter of each witness’ testimony, and (4) the party’s position on the issue of consolidation of the three proceedings.

8. Please review the regulations relating to discovery, specifically 52 Pa. Code § 5.331(b), which provides, inter alia, that participants try to initiate discovery as early in the proceeding as possible, and 52 Pa. Code § 5.322, which encourages parties to exchange information on an informal basis. The parties are expected to pursue resolution of discovery issues among themselves; motions to compel should be filed only after such efforts have failed.

|  |  |  |  |
| --- | --- | --- | --- |
| Date: | September 5, 2019 |  | /s/ |

Steven K. Haas

Administrative Law Judge

/s/ Benjamin Myers

Administrative Law Judge

**R-2019-3008209, 3008212, 3008208 - PA PUBLIC UTILITY COMMISSION V   
VALLEY ENERGY, INC, CITIZENS’ ELECTRIC COMPANY OF LEWISBURG, WELLSBORO ELECTRIC COMPANY.**ADEOLU A BAKARE ESQUIREMCNEES WALLACE & NURICK LLC100 PINE STREETPO BOX 1166HARRISBURG PA 17108-1166**717.237.5290  
*ACCEPTS E-SERVICE***JOHN M COOGAN RATE COUNSELPUC BUREAU OF INVESTIGATION AND ENFORCEMENT400 NORTH STREET 2ND FLOOR WESTHARRISBURG PA 17120**717.783.6151  
*ACCEPTS E-SERVICE***SHARON WEBB ESQUIREOFFICE OF SMALL BUSINESS ADVOCATE300 N 2ND ST STE 202OSBAHARRISBURG PA 17101**717.783.2525*ACCEPTS E-SERVICE***CHRISTY APPLEBY ESQUIREOFFICE OF CONSUMER ADVOCATE555 WALNUT STREET 5TH FLOOR FORUM PLACEHARRISBURG PA 17101**717.783.5048  
*ACCEPTS E-SERVICE***  
  
JONATHAN FOSTER SR ATTORNEYFOSTER LAW OFFICE303 S KEYSTONE AVESAYRE PA 18840**570.888.1529  
*ACCEPTS E-SERVICE***LARRY COLE74 E LAUREL STMONROETON PA 18832**570.268.5686**