BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of Aqua Pennsylvania, Inc. :

for Tariff Changes Authorizing : P-2020-3021766

Replacement of Customer-Owned Lead :

Service Lines

**PREHEARING ORDER #1**

History

On September 3, 2020, Aqua Pennsylvania, Inc. (Petitioner or Aqua PA or Company) filed a Petition for Approval of Tariff Changes Authorizing Replacement of Customer-Owned Lead Service Lines (Petition) with the Pennsylvania Public Utility Commission (Commission). The Company requests that the Commission approve revisions to its Tariff-Water PA P.U.C. No. 2 that will authorize Aqua PA to replace customer-owned lead service lines (COLSL) and recover the associated costs as provided in 66 Pa.C.S. § 1311(b)(2), which was added to the Pennsylvania Public Utility Code (the Code) by the Pennsylvania General Assembly’s enactment of Act 120 of 2018 (Act 120). The proposed tariff revisions were attached to the Petition as Aqua Exhibit No. 1. Due to the ongoing planned replacement projects where the Company is encountering and expects to continue to encounter COLSL, Aqua Pa also requests that there is expedited review and approval for the Company to begin replacement of COLSL in its West Chester, Shenango, and Bristol systems.

On September 23, 2020, the Office of Consumer Advocate (OCA) filed an Answer to the Petition.

On October 5, 2020, the Bureau of Investigation and Enforcement (I&E) filed a Notice of Appearance for Gina L. Miller, Esquire.

On October 7, 2020, an Initial Call-In Telephonic Prehearing Conference Notice was issued indicating that a telephonic prehearing conference was schedule for Wednesday, October 21, 2020, at 2:00 p.m. and that the matter was assigned to me.

I issued a Prehearing Conference Order dated October 7, 2020, which laid out the procedures for the prehearing conference.

On October 19, 2020, the Office of Small Business Advocate (OSBA) filed a Notice of Intervention and Notice of Appearance for Erin Fure, Esquire.

Also, on October 19, 2020, Aqua PA, I&E, OCA, and OSBA filed Prehearing Conference Memorandum in accordance with the October 7, 2020 Prehearing Conference Order.

A prehearing conference in this matter was held on October 21, 2020. Counsel for Aqua PA, I&E, OCA, and OSBA participated.

This Order sets forth the procedural matters addressed at the prehearing conference.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the parties of record as of this date are Aqua PA, I&E, OCA, and OSBA.
2. That pursuant to 52 Pa.Code § 1.55, each party shall be limited to one entry on the service list, although there can be more than one name listed. Service on respondent Aqua PA shall be made on Mr. Kulak, Ms. McGlinn, Mr. DeCusatis and Mr. Stahl; service on I&E shall be made on Ms. Miller; service on OCA shall be made on Ms. Hoover; and service on OSBA shall be made on Ms. Fure.
3. That the parties may arrange service amongst themselves as they agree.
4. That parties may serve documents electronically by 4:30 p.m. to meet any required due date, with hard copy to follow by regular first class mail, with the provision that large documents not able to be transmitted electronically may be hand-delivered to the parties located in Harrisburg on the due date and received the next business day by parties located outside Harrisburg.
5. That our e-mail distribution list is as follows. Any changes or corrections should be communicated to me, via e-mail (mguhl@pa.gov) as soon as possible. Please include my legal assistant, Ms. Pamela McNeal (pmcneal@pa.gov), on anything you send to me.

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| OSBA | Erin Fure | efure@pa.gov |
|  |  |  |
| ALJ | ALJ Guhl | mguhl@pa.gov |
| ALJ | Pamela McNeal | pmcneal@pa.gov |

1. That discovery shall be conducted according to the Commission’s rules and regulations (52 Pa.Code § 5.321 et seq), subject to the following modifications:
2. Answers to written interrogatories will be served in-hand within ten (10) calendar days of service of the interrogatories;
3. Objections to interrogatories will be communicated orally within three (3) calendar days of service; unresolved objections shall be served on the parties in writing within five (5) calendar days of service of the interrogatories;
4. Motions to dismiss objections and/or direct the answering of interrogatories will be filed within three (3) calendar days of service of written objections;

d. Answers to motions to dismiss objections and/or direct the answering of interrogatories will be filed within three (3) calendar days of service of such motions;

e. Any discovery or discovery related pleadings such as objections, motions, or answers to motions served after noon (12 p.m.) on a Friday or on any business day preceding a state holiday shall be deemed to have been served on the following business day for purposes of tracking responsive due dates;

f. Due dates will be “ in-hand” with electronic service on the due date satisfying the “in-hand” requirement and where such service is immediately followed by a hard copy sent by first-class mail;

g. Responses to requests for document production, entry for inspection, or other purposes will be served in-hand within five (5) calendar days;

h. Requests for admission will be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service; and

i. Rulings over motions shall be issued, if possible, within seven (7) calendar days of the filing of the motion.

1. That the following schedule is adopted:

Prehearing conference Wednesday, October 21, 2020

Company Direct Testimony (Shenango issue) Friday, November 20, 2020

1. That the rest of the procedural schedule will be held in abeyance until Friday, November 20, 2020, for the parties to hold settlement discussions.

1. That the parties will provide a case status report to the Administrative Law Judge on Friday, November 20, 2020.
2. That the parties will be prepared to submit a proposed litigation schedule, if necessary, on Friday, November 20, 2020.
3. That any motions with respect to, or objections to, written testimony must be presented in writing no later than three days prior to the day that the witness sponsoring that testimony is scheduled to testify. Answers to such motions or objections may be filed within three days or sooner if circumstances warrant. Oral motions, other than for good cause, shall not be accepted.
4. That the parties are to confer amongst themselves in an attempt to resolve all or some of the issues associated with this proceeding. The parties are reminded it is the Commission’s policy to encourage settlements. 52 Pa.Code §5.231(a). The parties are strongly urged to seriously explore this possibility. If a settlement is reached, a joint settlement petition executed by representatives of all parties to be bound thereby, together with statements in support of settlement by all signatory parties, must be filed with the Secretary for the Commission and served on the presiding officers.
5. That the parties shall comply with the procedural rules and regulations discussed herein.

Date: October 23, 2020

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Marta Guhl

Administrative Law Judge

**P-2020-3021766 - PETITION OF AQUA PENNSYLVANIA, INC FOR APPROVAL OF TARIFF CHANGES AUTHORIZING REPLACEMENT OF CUSTOMER-OWNED LEAD SERVICE LINES**

**UPDATED ON 10-23-20**

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