**BEFORE THE**

 **PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Pennsylvania-American Water :

Company-Wastewater Division under :

Section 1329 of the Pennsylvania Public : A-2020-3019634

Utility Code, 66 Pa. C.S.§ 1329, for the :

Acquisition of Royersford Borough’s Wastewater :

System Assets :

 **PREHEARING CONFERENCE ORDER**

A telephonic prehearing conference has been scheduled in the above-captioned case for Thursday, December 10, 2020, at 10:00 a.m. The call-in information is as follows:

Toll-free Conference Number: 866.675.3641

Passcode Participant Number: 37082098

There is a statutory six-month deadline for final Commission action in this proceeding. The last Commission public meeting for action on this application is **April 15, 2021**. Therefore, the operable deadline in this proceeding is April 15, 2021. Cooperation among the parties throughout this proceeding will be both necessary and expected in order to meet this deadline. The parties are hereby directed to comply with the following requirements:

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.)

2. Each party must prepare and distribute a prehearing memorandum which sets forth the history of the proceeding, the issues you intend to present, and a listing of your proposed witnesses and the subject of their testimony by **noon, 12:00 p.m., on Tuesday, December 8, 2020**.

3. Please 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 participants to exchange information on an informal basis. I urge all parties to cooperate in discovery. Such cooperation is preferable to numerous or protracted discovery disagreements, which require the presiding officer’s participation for resolution. Please be aware that there are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§5.361, 5.371‑5.372.

The regulations relating to discovery are modified by this order because of the expedited nature of this proceeding in advance of the prehearing conference as follows:

1. Answers to written interrogatories shall be served in-hand within seven (7) calendar days of service. Discovery and discovery-related pleadings propounded after 12:00 noon on a Friday or after 12:00 noon on any business day immediately preceding a state holiday will be deemed served on the next business day for purposes of determining the due date of the responses and responsive pleading.
2. Objections to interrogatories shall be communicated orally within three (3) calendar days of service of the interrogatories; unresolved objections shall be served to the ALJ in writing within five (5) days of service of the interrogatories. Objections to interrogatories served on a Friday shall be communicated orally within four (4) calendar days, and unresolved objections shall be served to the ALJ in writing within six (6) days of service of the interrogatories.
3. Motions to dismiss objections and/or direct the answering of interrogatories shall be filed within three (3) calendar days of service of the written objections.
4. Answers to motions to dismiss objections and/or direct the answering of interrogatories shall be filed within three (3) calendar days of service of such motions.
5. Responses to requests for document production, entry for inspection, or other purposes must be served in-hand within seven (7) calendar days.
6. Requests for admissions will be deemed admitted unless answered within seven (7) calendar days or objected to within four (4) calendar days of service.
7. Discovery-related pleadings, such as objections, motions, or answers, served on a Friday or the day before a holiday recognized by the Commission will be deemed to have been served on the following business day for purposes of tracking due dates.

The above discovery modifications only apply to discovery requests made after the date of this order.

1. Pursuant to 52 Pa.Code § 1.55, each party shall be limited to one entry on the service list. Parties shall provide the name, business address, business telephone number, business telefacsimile number (if any), and business e-mail address (if any) of the person they wish to include on the service list.
2. Parties shall be limited to those persons or entities who: (1) file a complaint or petition to intervene pursuant to 52 Pa.Code §§ 5.32, 5.71-76 (or a notice of intervention for those entities with a statutory right of participation) and (2) attend the initial prehearing conference. After the prehearing conference, intervention is limited to those persons or entities granted party status pursuant to 52 Pa.Code §§ 5.71-5.76, as set forth in *Re: Mercer Gas Company*, 71 Pa. PUC 19 (1989), and *Re: S.T.S. Motor Freight, Inc.*, 54 Pa. PUC 343, 344 (1980) or who file a complaint.
3. Petitions to intervene, if not untimely or otherwise defective on their face, shall be deemed granted if not objected to within three business days after filing. If objected to, such pleadings will be addressed by order.

7. Pursuant to 52 Pa. Code §§1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney represent you. However, if you are a partnership, corporation, trust, association or governmental agency or subdivision, you must have an attorney represent you in this proceeding. Unless you are an attorney, you may not represent someone else.

8. As noted above, there is a statutory six-month deadline for final Commission action in this proceeding. The non-negotiable due date for reply briefs in this proceeding is **Wednesday, January 20, 2021**. Parties should use the model litigation schedule set forth in the Commission’s July 21, 2016 Tentative Implementation Order at Docket No. M-2016-2543193 as a guide for establishing an agreeable litigation schedule in advance of the conference.

9. Parties must directly serve the presiding officer (electronically at mguhl@pa.gov)[[1]](#footnote-1) and the legal assistant, Pamela McNeal, pmcneal@pa.gov with any document you file in this proceeding. If you send any document or correspondence, you must send a copy to all other parties in the case.

1. The parties are to confer among themselves in an attempt to resolve all or some of the issues associated with this Petition. 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. 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 along with a CD in searchable PDF format, and both a paper copy and electronic copy in Word 2007 or a compatible format served on us.
2. Absent a continuance for good cause, all parties must be prepared to participate in the scheduled prehearing conference. Failure of a party to participate in the conference, after being served with notice of the date, time and location thereof, without good cause shown, shall constitute a waiver of all objections to the agreements reached, and an order or ruling with respect thereto.

Date: November 4, 2020 \_\_\_\_\_\_\_\_\_\_\_/s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Marta Guhl Administrative Law Judge

**A-2020-3019634 - Section 1329 Application of Pennsylvania-American Water Company – Wastewater Division for the Acquisition of Royersford Borough’s Wastewater System Assets**

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1. The Commission offices are closed in accordance with the Governor’s Emergency Order related to the COVID-19 pandemic and according to the Commission’s Emergency Order of March 20, 2020 all documents must be served electronically while Commission offices are closed. [↑](#footnote-ref-1)