**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :

:

v. : R-2021-3025206

: R-2021-3025207

Community Utilities of PA, Inc. :

Water/Wastewater :

:

Office of the Small Business Advocate :

:

v. : C-2021-3025263

:

Community Utilities of PA, Inc. :

:

Office of the Consumer Advocate :

:

v. : C-2021-3025777

:

Community Utilities of PA, Inc. :

**FIRST PREHEARING ORDER**

In accordance with the provisions of 66 Pa.C.S.A. § 333 and 52 Pa. Code §§ 5.221-5.224, a telephonic Initial Prehearing Conference has been scheduled in the above-captioned cases **on Thursday, May 13, 2021, at 10:00 a.m.**

THEREFORE,

IT IS ORDERED:

1. That a telephonic Initial Prehearing Conference shall be held at **10:00 a.m. on Thursday, May 13, 2021**. Any request for a change of the scheduled Prehearing Conference date must state the agreement or opposition of other parties and must be submitted in writing. 52 Pa. Code § 1.15(b). A change will be granted only where good cause is shown.

2. 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 have listed on the service list.

3. **All parties must serve me directly** (electronically at [debuckley@pa.](mailto:debuckley@pa.)gov) with any document that you file in this proceeding. Voluminous filings may be in pdf format, but all pleadings and briefs must also be provide to me in “Word” format. If you send me any document or correspondence, you must send a copy to all other parties in the case. It is not sufficient to file with the Secretary’s Bureau and to expect me to receive a copy of your filing. The current service list is attached to this order.

4. That on or before **Wednesday, May 12, 2021**, parties shall file and serve an Initial Prehearing Conference memoranda which shall include:

1. The information described in Paragraph 2, above.
2. Proposed orders with respect to discovery.
3. A proposed litigation schedule, agreed to by all parties if possible, which requires the filing of reply briefs by **September 13, 2021**. This date is not negotiable.
4. Names, business addresses, and telephone numbers of witnesses the party expects to call and the subject matter of each witness’ testimony.
5. A list of the issues and sub-issues of this proceeding which the party intends to address and a statement of the party’s position on each of the issues and sub-issues listed.
6. A statement describing the evidence the party proposes to present at hearing, relating the evidence to each of the issues and sub-issues the party intends to address.

5. Pursuant to 52 Pa.Code §§ 1.21-1.23, 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, 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).

6. Parties shall be prepared for useful discussion of all problems involved in the proceeding, both procedural and substantive. Parties’ representatives shall be fully authorized to make commitments, both procedural and substantive, on behalf of their represented party.

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

1. Establishment of the official service list and an informal e-mail distribution list.

(b) Establishment of a litigation schedule which requires the filing of reply briefs by **September 13, 2021**.

(c) Any modification of the Commission’s rules pertaining to discovery (52 Pa. Code, Subchapter D) and subpoenas (52 Pa. Code § 5.421).

(d) Other matters that may aid in the orderly conduct or disposition of the proceeding and the furtherance of justice, including but not limited to:

1. Simplification of the issues;
2. Obtaining admissions as to, or stipulations of, facts not in dispute, or the authenticity of documents which might properly shorten the hearing;

(iii) Limitations as to the number of witnesses;

(iv) Limitations of time and scope for direct and cross-examinations.

(v) Consolidation of proceedings.

8. Failure of a party to attend the Initial Prehearing Conference, without good cause shown, shall constitute a waiver of all objections to the agreements reached, and to an order or ruling with respect thereto.

9. Please review the regulations relating to discovery, specifically at 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. Any Motion for Sanctions MUST be preceded by a Motion to Compel.

Date: May 10, 2021 /s/

Dennis J. Buckley

Administrative Law Judge

**R-2021-3025206, et al. – PENNSYLVANIA PUBLIC UTILITY COMMISSION v. COMMUNITY UTILITIES OF PENNSYLVANIA, INC.**THOMAS J. SNISCAK ESQUIRE  
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OFFICE OF SMALL BUSINESS ADVOCATEFORUM PLACE555 WALNUT STREET 1ST FLOORHARRISBURG PA 17101**717.783.2525**[efure@pa.gov](mailto:efure@pa.gov)“*Via e-mail only due to   
Emergency Order at M-2020-3019262”*

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