

August 13, 2021

**Via Electronic Filing**

Rosemary Chiavetta, Esquire  
Secretary  
PA Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Docket No. C-2021-3023766  
G.A. Homes, Inc. v. Aqua Pennsylvania Wastewater, Inc., et al.  
Prehearing Memorandum of Aqua**

Dear Secretary Chiavetta:

Attached for filing is the Prehearing Memorandum of Respondents, Aqua Pennsylvania Wastewater, Inc. and Aqua Pennsylvania, Inc., in the above-referenced proceeding.

A copy of the Prehearing Memorandum has been forwarded to Complainant's counsel in the manner indicated on the attached Certificate of Service.

If there are any questions, please do not hesitate to contact me.

Very truly yours,

Reger Rizzo & Darnall LLP



Margaret A. Morris

MAM/co  
Enclosure

cc: The Hon. John Coogan, PA Public Utility Commission [w/encl.]  
Mary McFall Hopper, Esquire, Aqua Pennsylvania, Inc. [w/encl.]  
Ronnie J. Fischer, Esquire [w/encl.]

**Re: Docket No. C-2021-3023766  
G.A. Homes, Inc. v. Aqua Pennsylvania Wastewater, Inc., et al.  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been served upon the following person(s), in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

**Via Electronic Mail**

Ronnie J. Fischer, Esquire  
[ronnie\\_fischer@hotmail.com](mailto:ronnie_fischer@hotmail.com)

Dated: August 13, 2021

  
Margaret A. Morris, Esquire

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

G.A. Homes, Inc.	:	
	:	
v.	:	Docket No. C-2021-3023766
	:	
Aqua Pennsylvania Wastewater, Inc.	:	
Aqua Pennsylvania, Inc.	:	
Aqua America, Inc.	:	

**PREHEARING CONFERENCE MEMORANDUM OF  
AQUA PENNSYLVANIA WASTEWATER, INC. AND AQUA PENNSYLVANIA, INC.**

Pursuant to the Prehearing Conference Order (*Order*) of the Honorable John M. Coogan dated, August 2, 2021, and Commission regulations at 52 Pa. Code §5.222, Aqua Pennsylvania Wastewater, Inc. and Aqua Pennsylvania, Inc. (collectively referred to as Aqua for purposes of this Prehearing Memo), submits the following in response to Paragraph 3 of the *Order*.

***a) Service on Aqua***

Aqua requests that Margaret A. Morris, Esquire, be listed on the service list on behalf of Aqua. The contact information for Ms. Morris is provided below:

Margaret A. Morris, Esquire  
Reger Rizzo & Darnall LLP  
Cira Centre, 13<sup>th</sup> Floor  
2929 Arch Street  
Philadelphia, PA 19104  
(215) 495-6524 (tel.)  
(215) 495-6600 (fax)  
[mmorris@regerlaw.com](mailto:mmorris@regerlaw.com)

Aqua agrees to receive service of documents electronically in this proceeding.

***b) Possible Settlement***

Aqua is always willing and open to pursue settlement discussions to reduce the facts at issue in this case through stipulation. However, the relief requested, i.e. approve the

outstanding application for water and sewer connections, cannot be granted due to DEP ban on new connections unless said application qualifies under DEP regulations as an exception to the ban.

**c) *Discovery schedule***

Aqua has already propounded discovery and anticipates further discovery and production of documents. Aqua is agreeable to any reasonable proposed Discovery schedule.

**d) *Other proposed orders with respect to discovery***

Aqua does not envision any issues so long as GA Homes timely and completely responds to Aqua’s discovery requests.

**e) *Site view***

N/A

**f) *Proposed Litigation Schedule***

Aqua is agreeable to any reasonable proposed litigation schedule and suggests the following dates:

Complainant’s Direct Written Testimony <sup>1</sup> and Proposed Exhibits	September 17, 2021
Respondents Direct Written Testimony And Proposed Exhibits	October 18, 2021 (30 days from Complainant’s Direct)
Complainant’s Rebuttal Written Testimony	November 2, 2021 (15 days from Respondents’ Direct)
Respondents Rebuttal Written Testimony	November 17, 2021 (15 days from Complainant’s Rebuttal)
Exchange Proposed Stipulated Facts and Proposed Joint Exhibits	December 6, 2021
Telephonic Hearing	December 14, 2021
Main Briefs	(30 days after receipt of transcript)
Reply Briefs	(15 days after Main Briefs)

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<sup>1</sup> Written prepared testimony shall be substantially in compliance with the Commission’s regulations, 52 Pa. Code Chapters 1, 3 and 5, in particular 52 Pa. Code § 5.412(e).

***g) Witnesses and scope of testimony***

Aqua will offer the following witnesses but reserves the right to call any additional witnesses as discovery and other matters develop prior to the hearing and based on issues identified by the parties:

- **Karl Stephens**  
Northeast Area Manager  
Aqua Pennsylvania, Inc.  
1 Aqua Way, White Haven, PA 18661
- **Paul Brindle**  
Honesdale Field Supervisor  
Aqua Pennsylvania, Inc.  
1775 North Main Street  
Honesdale PA. 18431

*Scope of testimony:*

- Mr. Stephens will offer testimony regarding the Masthope Wastewater Treatment Facility, communications with DEP, Lackawaxen Township and Masthope Mountain Community Council.
- Mr. Brindle will offer testimony regarding the application process for water and sewer connections and interactions with Complainant.

***h) Issues and sub-issues to be addressed by Aqua***

- The caption for the docket should be corrected to remove Aqua America, Inc. as a party.
- Aqua provided reasonable service in the processing of the applications for water and sewer connections submitted by GA Homes, consistent with Section 1501 of the Code.<sup>2</sup>
  - Aqua's actions in the processing of the applications for water and sewer connections were consistent with Section 1502 of the Code.<sup>3</sup>
  - Aqua's actions in the processing of the applications for water and sewer connections complied with Commission regulations.

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<sup>2</sup> 66 Pa.C.S. § 1501.

<sup>3</sup> 66 Pa.C.S. § 1502.

i) *Proposed evidence*

- Aqua will provide testimony related to its obligations to provide safe and adequate service, its review and approval of certain connection applications and its inability to approve GA Homes outstanding connection applications for water and sewer connection unless said application qualifies as an exception to the moratorium ordered by DEP under DEP regulations.

Dated: August 13, 2021

Respectfully submitted,



Margaret A. Morris, Esq.

Attorney ID No. 75048

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Cira Centre, 13<sup>th</sup> Floor

2929 Arch Street

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*Counsel for Aqua Pennsylvania, Inc. and  
Aqua Pennsylvania Wastewater, Inc.*