**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Implementation of Chapter 32 of the Public : M-2018-2640802

Utility Code Regarding Pittsburgh Water and : M-2018-2640803

Sewer Authority – Stage 2 :

**PREHEARING CONFERENCE ORDER**

A Prehearing Conference is scheduled in this case for **Thursday, September 9**, **2021 at 10:00 a.m**. The undersigned Administrative Law Judges will preside telephonically. To participate in the hearing, you must dial the toll-free number listed below. You will be prompted to enter a PIN number, which is also listed below. You will be asked to speak your name and then the telephone system will connect you to the hearing.

**Toll-free Bridge Number: 1-866-560-8322**

**PIN Number: 36676820**

**You must call into the conference on the scheduled day and time. You will not be called by the Administrative Law Judges**. Failure of any party to attend the prehearing conference without good cause shall constitute a waiver of all objections to the agreements reached and matters decided at the prehearing conference

The parties also are hereby directed to comply with the following requirements:

1. Each party must **e-file** and serve by email, prior to **4:00 p.m. on September 8, 2021** a Prehearing Conference Memorandum which sets forth the history of the proceeding, the issues you intend to present, a proposed plan and schedule of discovery, a listing of your proposed witnesses and the subject of their testimony, and a proposed litigation schedule, agreed to by all parties if possible**.** 52 Pa.Code § 5.222(d). Receipt may be accomplished by either overnight mail or via electronic mail transmission. **Parties represented by multiple attorneys must designate a primary speaker for the purpose of the prehearing conference.**
2. A request for a change of the scheduled Prehearing Conference date must

state the agreement or opposition of other parties and must be submitted by email no later than five (5) days prior to the Prehearing Conference. 52 Pa.Code § 1.15(b). Requests for changes of initial prehearing conferences must be sent by email, with copies to all parties of record. Only the undersigned Administrative Law Judges or Office of Administrative Law Judge Scheduling Unit may grant a request for a change of a prehearing conference. Such changes are granted only in rare situations where sufficient cause exists. Requests for changes of subsequent Prehearing Conferences or hearings, if any, should also be served directly on the presiding Administrative Law Judges.

In accordance with the foregoing, absent a continuance for good cause, all parties

must be prepared to participate in the scheduled Prehearing Conference.

1. In response to this Prehearing Order, you may proceed one of three ways:
2. **Do nothing**. If you do nothing after receiving this Prehearing Conference Order, your name will be removed from the full service list. After the Prehearing Conference, you will not receive any pleadings, filings, discovery requests, written testimony or orders and decisions in this matter. You will be placed on a limited service list and receive copies of orders, hearing notices and the Recommended Decision and the Commission’s final Decision. You may still attend and testify at a public input hearing, if one is scheduled, as explained in the next paragraph.
3. **Attend a public input hearing if one is scheduled**. Public input hearings, if scheduled, may be held in geographical areas affected by the rate filing for the purpose of giving citizens who do not wish to participate in the formal litigation an opportunity to express their opinions regarding the Company’s proposal. In order to testify at a public input hearing, all a citizen has to do is to show up and sign in. No advance registration is required. If you testify at a public input hearing, you will not be permitted to also testify at the technical evidentiary hearings. If you want to attend a public input hearing and do not wish to remain on the service list for pleadings, filings, discovery requests or orders and decisions in this matter, you are not required to do anything. Notice of the public input hearing, if one is scheduled, will be published in your local newspaper two weeks before it is held.
4. **Become a party of record**. As a party of record, you will be served with all of the pleadings, filings, discovery requests, written testimony and orders and decisions served and issued in this proceeding. These documents will be voluminous. Your *rights* as a party of record include the ability to present your own testimony and to cross-examine other witnesses at the formal hearings, and to file exceptions to the presiding officer’s recommended decision. Your *duties* as a party of record are that you must answer all discovery requests served upon you in accordance with the rules. You will be required to serve a copy of anything that you *file* upon the presiding officers and each party appearing on the service list, as modified after the Prehearing Conference. If you intend to present evidence at the formal evidentiary hearings, you will be required to submit your testimony in writing in advance, in accordance with the schedule to be set after the Prehearing Conference and to provide a copy of your written testimony to each party on the service list at that time. You will be expected to participate in accordance with the rules of Commission practice appearing in Title 52 of the Pennsylvania Code Chapters 1, 3 and 5. **The Pennsylvania Code is available on-line** at <http://www.pacodeandbulletin.gov/>. Although a natural person or a sole proprietor may appear on his or her own behalf, if you are any entity other than a natural person or a sole proprietor, (e.g., a corporation, partnership, municipality, etc.), you will be required to have an attorney represent you in accordance with the laws of Pennsylvania. *See Ordering Paragraph 6.*

4. 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 a 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.)

5. Parties should review the regulations relating to discovery, specifically 52 Pa.Code § 5.331(b), which provides, *inter alia*, that “a party shall endeavor to initiate discovery as early in the proceedings as reasonably possible,” and 52 Pa.Code § 5.322, which encourages parties to exchange information on an informal basis. All parties are urged to cooperate in discovery and advise us at the Prehearing Conference as to discovery problems which have not been resolved. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa.Code §§ 5.361, 5.371‑5.372.

6. Pursuant to 52 Pa.Code §§ 1.21 & 1.22, 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).

7. Failure of a party to attend the Prehearing Conference or notify the ALJs of their desire to fully participate without good cause shown, shall constitute a waiver of all objections to the agreements reached and matters decided at the Prehearing Conference, including, but not limited to, any special discovery rules and the litigation schedule established for this case. 52 Pa.Code §§ 5.222(e) & 5.224.

8. Any party may email the undersigned presiding officer a request to be moved from either the full service list to the limited service list, or to be moved from the limited service list to the full service list. Upon the receipt of such a request, the undersigned presiding officers will issue an Order revising the service lists for this case. Such changes will be effective as of the date of the Order and will not apply to any document filed and served prior to the date of that Order.

9. You must serve the presiding Administrative Law Judges directly with a copy of any document that you file in this proceeding. If you send the undersigned presiding officers any correspondence or document, you must send a copy to all other parties. For your convenience, a copy of the Commission’s current service list of the parties to this proceeding is enclosed with this Order.

Date: August 26, 2021  /s/

Eranda Vero

Administrative Law Judge

/s/

Gail M. Chiodo

Administrative Law Judge

**M-2018-2640802 M-2018-2640803 Implementation of Chapter 32 of the Public Utility Code Regarding Pittsburgh Water and Sewer Authority – Stage 1**

GINA MILLER ESQUIREPA PUC BUREAU OF INVESTIGATION AND ENFORCEMENT400 NORTH STREETHARRISBURG PA 17120**717.783.8754**Accepts EService

SUSAN SIMMS MARSH ESQUIREPENNSYLVANIA AMERICAN WATER COMPANY852 WESLEY DRIVEMECHANICSBURG PA 17055**717.550.1570**Accepts EService

MICHELLE NACCARATI CHAPKISMAYOR'S BLUE RIBBON PANEL ON RESTRUCTURING THE PWSACARE OF WOMEN FOR A HEALTHY ENVIRONMENT5877 COMMERCE STPITTSBURGH PA 15206**412.404.2872**Accepts EService.

DAVID P ZAMBITO ESQUIRECOZEN O'CONNOR17 NORTH SECOND ST SUITE 1410HARRISBURG PA 17101**717.703.5892**Accepts EService

MICHAEL A GRUIN ESQUIRESTEVENS & LEE16th FLOOR17 NORTH SECOND STREETHARRISBURG PA 17101**717.255.7365**Accepts EService

ERIN L GANNON ESQUIRECHRISTINE M HOOVER ESQUIRELAUREN E GUERRA ESQUIRE  
OFFICE OF CONSUMER ADVOCATE555 WALNUT STREET 5TH FLOORFORUM PLACEHARRISBURG PA 17101**717.783.5048**Accepts EService

ELIZABETH R MARX ESQUIREPA UTILITY LAW PROJECT118 Locust StreetHARRISBURG PA 17101**717.236.9486**Accepts EService

JOHN W SWEET ESQUIRETHE SWEET FIRM620 S 13TH STREETHARRISBURG PA 17104**610.248.7186**Accepts EService

CARL SHULTZ ESQUIREDEANNE M O'DELL ESQUIRE ECKERT SEAMANS CHERIN & MELLOTT LLC213 MARKET STREET  
8TH FLOORHARRISBURG PA 17101**717.255.3742717.255.3744**  
Accepts EService

BRIAN KALCIC CONSULTANTEXCEL CONSULTINGSUITE 720-T 225 S MERAMAC AVENUEST LOUIS MO 63105Accepts EService

KAREN O MOURY ESQUIRESARAH C STONER ESQUIREDANIEL CLEARFIELD ESQUIREECKERT SEAMANS213 MARKET STREETHARRISBURG PA 17101**717.237.6036 717.237.6026  
717.237.7173**Accepts EService

LAWRENCE H BAUMILLER ESQUIRE  
JOHN F DOHERTY ESQUIRE  
CITY OF PITTSBURGH DEPT OF LAW414 GRANT STREET  
SUITE 313PITTSBURGH PA 15219**412.255.2002412.255.2016**Accepts EService

THOMAS J SNISCAK ESQUIREKEVIN J MCKEON ESQUIREWHITNEY E SNYDER ESQUIRE HAWKE MCKEON AND SNISCAK LLP100 N TENTH STREETHARRISBURG PA 171017**17.236.1300**Accepts EService

RIA PEREIRA ATTORNEYPA UTILITY LAW PROJECT118 LOCUST STREETHARRISBURG PA 17101**717.710.3839**Accepts EServic

YVONNE HILTON ESQUIRECITY OF PITTSBURGH313 CITY-COUNTY BUILDING414 GRANT STREETPITTSBURGH PA 15219**412.255.2009**YVONNE.HILTON@PITTSBURGHPA.GOV

SHARON E WEBB ESQUIREERIN FURE  
OFFICE OF SMALL BUSINESS ADVOCATEFORUM PLACE555 WALNUT STREET 1ST FLOORHARRISBURG PA 17101**717.783.2525**EFURE@PA.GOVSWEBB@PA.GOV

WILLIAM PICKERING CEOPITTSBURGH WATER AND SEWER AUTHORITYPENN LIBERTY PLAZA I1200 PENN AVENUEPITTSBURGH PA 15222**412.255.2423**WPICKERING@PGH2O.COM

TERESA REED WAGNER EXECUTIVE DIRECTOROFFICE OF SMALL BUSINESS ADVOCATEFORUM PLACE555 WALNUT STREET 1ST FLOORHARRISBURG PA 17101**717.783.2525**TERESWAGNE@PA.GOV

PETER DEMARCO ESQUIRENATURAL RESOURCES DEFENSE COUNCIL1152 15TH STREET NORTHWEST SUITE 300WASHINGTON DC 20005**202.513.2267**PDEMARCO@NRDC.ORG

CECILIA SEGAL ESQUIRENATURAL RESOURCES DEFENSE COUNCIL1152 15TH STREET NORTHWEST SUITE 300WASHINGTON DC 20005**202.513.2267**CSEGAL@NRDC.ORG LAURA

LAURA HOROWITZ6544 DARLINGTON ROADPITTSBURGH PA 15217

(UNDERLIVERABLE)

CARLYN VAN DYKE5419 BLACK STREETPITTSBURGH PA 15206

MARK DIXON6437 LANDVIEW ROADPITTSBURGH PA 15217

MARTIN RAFANAN547 ROBERTS STREETPITTSBURGH PA 15219

DAN SCHEID632 KIRTLAND STREETPITTSBURGH PA 15208