



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
COMMONWEALTH KEYSTONE BUILDING  
400 NORTH STREET, HARRISBURG, PA 17120

BUREAU OF  
INVESTIGATION  
&  
ENFORCEMENT

September 3, 2021

**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

Re: Conyngham Township v.  
Sanitary Sewer Authority of the Borough of Shickshinny  
Docket No. C-2021-3023624  
**Motion for Continuance**

Dear Secretary Chiavetta:

On behalf of the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission, enclosed for electronic filing please find the **Motion for Continuance of the Initial Call-In Telephone Hearing** scheduled for September 15, 2021, in the above-referenced matter. As noted in the enclosed Motion, counsel for Conyngham Township and counsel for the Sanitary Sewer Authority of the Borough of Shickshinny have indicated that they do not object to a continuance of the hearing date in this matter.

Copies have been served on the parties of record in accordance with the Certificate of Service.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Steph M. Wimer'.

Stephanie M. Wimer  
Senior Prosecutor  
PA Attorney ID No. 207522  
Bureau of Investigation and Enforcement  
(717) 772-8839  
[stwimer@pa.gov](mailto:stwimer@pa.gov)

SMW/jfm  
Enclosures

cc: Hon. Conrad A. Johnson, OALJ-Pittsburgh (*via e-mail only*)  
As per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Conyngham Township	:	
	:	
v.	:	Docket No.: C-2021-3023624
	:	
Sanitary Sewer Authority of the Borough of Shickshinny	:	

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**MOTION FOR CONTINUANCE OF THE  
BUREAU OF INVESTIGATION AND ENFORCEMENT**

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Pursuant to 52 Pa. Code § 1.15(b), the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”) hereby moves for a continuance of the Initial Call-In Telephone Hearing in the above-captioned matter scheduled for September 15, 2021, and in support thereof states as follows:

1. As the Bureau within the Commission that is responsible for ensuring compliance with the Public Utility Code and Commission regulations and orders,<sup>1</sup> I&E filed a Notice of Intervention in this proceeding on September 2, 2021 to protect the public interest.

2. I&E’s Notice of Intervention was predicated upon a recent finding of I&E’s informal investigation of the Sanitary Sewer Authority of the Borough of Shickshinny (“Authority”) at Bp8CaseIDNo. 3023904 that the Authority’s provision of wastewater service to residents located in Conyngham Township (“Township”) for compensation requires a Certificate of Public Convenience, which the Authority has not obtained.

3. For the reasons set forth in I&E's Notice of Intervention, judicial economy is best served by I&E's intervention in the instant matter now, as I&E was prepared to initiate a separate enforcement proceeding against the Authority concerning similar allegations pursuant to 52 Pa. Code § 3.113(b)(2) (related to Resolution of Informal Investigations).

4. Additionally, the instant proceeding will not be substantially delayed as the Authority's and Township's attempt to reach an amicable resolution through the mediation process only recently failed and it was contemplated that if this occurred, the litigation schedule proposed during the April 7, 2021 prehearing conference would require revisions. *See Conyngham Township v. Sanitary Sewer Authority of the Borough of Shickshanny*, Docket No. C-2021-3023624 (Second Interim Order Holding Establishment of Litigation Schedule in Abeyance Until Completion of Mediation dated May 27, 2021) at 5-6.

5. A continuance of the Initial Call-In Telephone Hearing in this matter would allow time for I&E to conduct additional discovery, the re-establishment of a litigation schedule that contains the service of written testimony including written testimony from an I&E expert witness, and potential settlement discussions.

6. Counsel for the Township and the Authority have indicated that they have no objection to a continuance of the Initial Call-In Telephone Hearing.

WHEREFORE, for the foregoing reasons, I&E submits that there is good cause for a continuance of the Initial Call-In Telephone Hearing in this matter within the meaning of 52 Pa. Code § 1.15, and moves that the hearing scheduled for September 15, 2021 be

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<sup>1</sup> See 66 Pa.C.S. § 308.2(a)(11); *Implementation of Act 129 of 2008; Organization of Bureaus and Offices*, Docket No. M-2008-2071852 (Order entered August 11, 2011).

rescheduled following the issuance of a litigation schedule that includes the service of written testimony, including written testimony from an I&E expert witness.

Respectfully submitted,



Stephanie M. Wimer  
Senior Prosecutor  
PA Attorney ID No. 207522

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
400 North Street  
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[stwimer@pa.gov](mailto:stwimer@pa.gov)

Date: September 3, 2021

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Conyngham Township :  
 :  
v. : Docket No.: C-2021-3023624  
 :  
Sanitary Sewer Authority of :  
the Borough of Shickshinny :

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**Notification by Electronic Mail as indicated:**

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Dated: September 3, 2021