

BUGAJ / FISCHER
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
P.O. BOX 390
MAPLE LEAF GARDENS
308 NINTH STREET HONESDALE, PA 18431
(570) 253-3021 FAX (570) 253-9484
INFO@BUGAJ-FISCHER-LAW.COM

Ronald M. Bugaj '75

Ronnie Bugaj Fischer '03

September 7, 2021

Via Electronic Filing

ROSEMARY CHIAVETTA, ESQ.
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
Complainant's Contested Motion to Extend Deadlines and Continue Hearing

Dear Secretary Chiavetta:

Attached for filing is the opposed Motion of G.A. Homes, Inc. to extend the deadlines and continue the hearing presently scheduled in this matter for October 27 and October 28, 2021.

A copy of the Motion has been provided to the Respondents' counsel in the manner indicated on the enclosed Certificate of Service.

If there are any questions, please feel free to contact me.

Sincerely,



Ronnie J. Fischer

cc: The Hon. John Coogan, PA Public Utility Commission (w/enc.)
Margaret A. Morris, Esq. (w/enc.)

**Re: Docket No. C-2021-3023766
G.A. Homes, Inc. v. Aqua Pennsylvania Wastewater, Inc., et al
Complainant's Contested Motion to Extend Deadlines and
Continue Hearing**

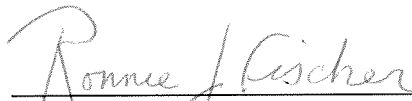
CERTIFICATE OF SERVICE

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

Via Electronic Mail

Margaret A. Morris, Esq. (counsel for Respondents)
mmorris@regerlaw.com

BUGAJ/FISCHER, P.C., by:



Ronnie J. Fischer, Esq.

Dated: Sept. 7, 2021

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

G.A. HOMES, INC., :
v. : No. C-2021-3023766
AQUA PENNSYLVANIA :
WASTEWATER, INC., and :
AQUA PENNSYLVANIA, INC. :

NOTICE TO PLEAD

Pursuant to 52 Pa. Code§ 5.103, you are hereby notified that if you do not file a written response answering the enclosed Motion to Extend Deadlines and Continue Hearing of G.A. Homes, Inc. within five (5) days from service of this notice, the facts set forth by G.A. Homes, Inc. in the Motion to Extend Deadlines and Continue Hearing may be deemed to be true, whereby requiring no other proof. All pleadings, such as a Reply to Motion to Extend Deadlines and Continue Hearing, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for G.A. Homes, Inc., Ronnie J. Fischer, Esq., and the Honorable John Coogan, the Administrative Law Judge presiding over the issue.

File with:

Rosemary Chiavetta, Esq.
Secretary
Pennsylvania Public Utility Commission
rchiavetta@pa.gov

With a copy to:

Ronnie J. Fischer, Esq.
Bugaj/Fischer, P.C.
P.O. Box 390
Honesdale, PA 18431
ronnie_fischer@hotmail.com

The Honorable John M. Coogan
jcoogan@pa.gov

Date: Sept. 7, 2021



Ronnie J. Fischer, Esq., PA ID#91029
Bugaj/Fischer, P.C.
P.O. Box 390, Honesdale, PA 18431
570-253-3021
ronnie_fischer@hotmail.com

Counsel for G.A. Homes, Inc.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

G.A. HOMES, INC.,	:
v.	: No. C-2021-3023766
AQUA PENNSYLVANIA	:
WASTEWATER, INC., and	:
AQUA PENNSYLVANIA, INC.	:

COMPLAINANT’S MOTION TO EXTEND DEADLINES AND CONTINUE HEARING

Complainant G.A. Homes, Inc., by and through its attorneys, Bugaj/Fischer, P.C., and pursuant to 52 Pa. Code § 1.15, hereby moves that the Honorable John M. Coogan (Judge Coogan) of the Pennsylvania Public Utility Commission (Commission) issue an Order extending the deadlines for the provision of written testimony and continuing the hearing scheduled for October 27 and October 28, 2021, due to new information obtained by Complainant and the possibility that this matter can be settled or resolved to Complainant’s satisfaction by early 2022.

In support thereof, G.A. Homes (Complainant) avers as follows:

1. In January of 2021, Complainant filed a Formal Complaint, followed by an Amended Complaint filed on March 1, 2021, alleging that Respondents failed to timely process its applications for water and sewer connections submitted weeks before the limitation on new connections in the Masthope development went into effect on December 11, 2020, and that Respondents selectively processed other applications submitted after Complainant’s applications first.
2. Respondents have filed Answers and New Matters denying the material allegations of Complainant’s Amended Complaint and averring that the outstanding applications of Complainant do not meet Pennsylvania Department of Environmental Protection (DEP)

exceptions to allow connections during a DEP-issued limitation on new sewer service connections in the Masthope development.

3. On August 18, 2021, the parties and their counsel participated in a Prehearing Conference in this matter conducted by telephone.

4. At the time of this Prehearing Conference, G.A. Homes indicated that it wished to resolve this matter as quickly as possible, and thus wished to have the hearing in this matter scheduled as quickly as possible.

5. As a result of the Prehearing Conference, this Court set the following deadlines:

(a) Written testimony by Complainant due by September 29, 2021;

(b) Written rebuttal testimony by Respondents due by October 13, 2021;

(c) Written surrebuttal testimony by Complainant due by October 20, 2021.

6. As a further result of the Prehearing Conference, this Court scheduled a call-in telephonic hearing for October 27, 2021 and October 28, 2021.

7. On August 24, 2021, DEP received Respondent's proposed Corrective Action Plan, which includes a request that Respondents be awarded a specified number of sewer connections in Masthope this year and next year, with the limitation on new connections in Masthope being accordingly modified to permit these connections.

8. Thereafter, counsel for Complainant was able to speak with DEP's Planning Section Chief (Scott Novatnak) regarding Respondents' Corrective Action Plan.

9. Based on these conversations, it is the understanding of counsel for Complainant that Respondents' Corrective Action Plan is likely to be approved, and the requested connections awarded, by December 31, 2021.

10. Once these connections are awarded, Respondents are responsible for allocating

the connections, without requiring any approval from DEP.

11. Complainant believes that this matter can be resolved to her satisfaction if it is awarded its requested connections on or before January 15, 2022, which could happen either as part of an agreement with Respondents or naturally as part of Respondents' process in awarding connections, as Complainant submitted the first applications prior to the limitation on new connections that are still outstanding.

12. Even though Complainant desires to resolve this matter expeditiously, Complainant does not wish to waste the time and efforts of counsel and parties, and the judicial resources of this Court, by going through the hearing process if it is reasonably likely that the matter will be resolved to its satisfaction without a hearing.

13. Counsel for Respondents has indicated that Respondents oppose Complainant's request to extend the deadlines and continue the hearing, and wish to keep the deadlines and hearing date in place.

14. Complainant respectfully requests that the deadlines for submitting written testimony in this matter be extended such that the written testimony of Complainant would be due by February 28, 2022, the written rebuttal testimony of Respondents be due by March 15, 2022, and the written surrebuttal testimony of Complainant be due by March 28, 2022.

15. Complainant further respectfully requests that the hearing scheduled for October 27 and 28, 2021 be continued to sometime in April of 2022.

16. Complainant believes it would also be helpful to schedule a prehearing conference by telephone in January of 2022.

WHEREFORE, for good cause shown, Complainant G.A. Homes, Inc. requests that Judge Coogan grant its Motion to extend the deadlines for written testimony as outlined herein,

schedule a prehearing conference for sometime in January of 2022, and continue the call-in telephonic hearing scheduled for October 27 and 28, 2021 to a date in April of 2022.

Respectfully submitted,



Date: Sept. 7, 2021

Ronnie J. Fischer, Esq., PA ID#91029
Bugaj/Fischer, P.C.
P.O. Box 390, Honesdale, PA 18431
570-253-3021
ronnie_fischer@hotmail.com

Counsel for G.A. Homes, Inc.