**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Conyngham Township :

:

 v. :C-2021-3023624

 :

Sanitary Sewer Authority :

of the Borough of Shickshinny :

**CORRECTED FIFTH INTERIM ORDER**

**GRANTING RESPONDENT’S CONTINUANCE REQUEST**[[1]](#footnote-1)

 By Notice dated October 15, 2021, the Parties were informed that a Further Call-In Telephonic Hearing was scheduled before me for the captioned proceeding on Wednesday, January 19, 2022, at 10:00a.m. By email on January 11, 2022, Sean W. Logsdon, Esquire, counsel for Respondent Sanitary Sewer Authority of the Borough of Shickshinny (SSABS), requested a continuance of the hearing. As the reason for the continuance request, Attorney Logsdon represented that he had a scheduling conflict due to an appearance in a court proceeding in Luzerne County. Attorney Logsdon further represented, that neither counsel for Complainant Conyngham Township nor counsel for the Commission’s Bureau of Investigation and Enforcement objected to the continuance request.

 Although Attorney Logsdon’s email on behalf of SSABS requesting a hearing continuance does not conform to the requirements of a formal motion under Section 1.15(b) of the Commission’s regulations, waiver of this requirement is permitted. Under Section 1.2, 52 Pa.Code § 1.2, a presiding officer at any stage of an action or proceeding may waive a requirement of a rule when necessary or appropriate if waiver does not adversely affect a substantive right of a party. Such are the circumstances in this case. Therefore, Attorney Logsdon’s email dated January 11, 2022, is treated as SSABS’s motion for continuance of the scheduled hearing.

 After due consideration, I find that the motion states good cause to warrant a

continuance. Thus, the motion will be granted in the ordering paragraphs below. A notice rescheduling the further call-in telephonic hearing for **Tuesday, March 1, 2022, at 10:00 a.m.**,will be issued to the Parties.

 The Parties are encouraged to talk with each other to resolve this matter or a

portion thereof. It is the Commission’s policy to encourage settlements. 52 Pa. Code §5.231.

 THEREFORE,

 IT IS ORDERED:

1. That the motion of Respondent Sanitary Sewer Authority of the Borough of Shickshinny for a continuance of the Further Call-In Telephonic Hearing scheduled in this proceeding for Wednesday, January 19, 2022, is granted.
2. That the Scheduling Staff of the Office of Administrative Law Judge shall reschedule the Further Call-In Telephonic Hearing in the case of Conyngham Township v. Sanitary Sewer Authority of the Borough of Shickshinny at Docket No. C-2021-3023624 for **Tuesday, March 1, 2022, at 10:00 a.m.** and so notify the Parties in writing.



Date: January 14, 2022

**C-2021-3023624 – CONYNGHAM TOWNSHIP V. SHICKSHINNY SANITARY SEWER AUTORITY OF THE BOROUGH OF SHICKSHINNY**

VITO J DELUCA ESQUIREDELUCA LAW OFFICES26 PIERCE STREETKINGSTON PA 18704**570-288-8000**vjd@delucalawoffices.com
Accepts e-Service*Representing Conyngham Township*

SEAN W LOGSDON ESQUIRE
85 DRASHER ROADDRUMS PA 18222**570-788-6647**sean@karpowichlaw.com
Accepts e-Service*Representing Sanitary Sewer Authority of The Borough of Shickshinny*

SANITARY SEWER AUTHORITY OF THE BOROUGH OF SHICKSHINNY1 MAIN RDSHICKSHINNY PA 18655shickauth@frontier.com

STEPHANIE M WIMER ESQUIRE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

BUREAU OF INVESTIGATION & ENFORCEMENT

P.O BOX 3265

HARRISBURG, PA 17105

**717-772-8839**

stwimer@pa.gov

Accepts e-Service

*Representing* *Bureau of Investigation & Enforcement*

1. The Fifth Interim Order entered on January 13, 2022, is corrected to change the rescheduled hearing date from Wednesday, March 2, 2022, to Tuesday, March 1, 2022. [↑](#footnote-ref-1)