**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission : R-2022-3031672, *et al.*

:

v. :

:

Pennsylvania-American Water Company :

Pennsylvania Public Utility Commission : R-2022-3031673, *et al.*

:

v. :

:

Pennsylvania-American Water Company – :

Wastewater Division :

**PREHEARING CONFERENCE ORDER**

On April 29, 2022, Pennsylvania-American Water Company (PAWC) filed Supplement No. 35 to Tariff Water-PA. P.U.C. No. 5 (Supplement No. 35) with the Pennsylvania Public Utility Commission to become effective June 28, 2022. Supplement No. 35 would increase PAWC’s total annual operating revenues for water service by approximately $154.4 million, or 21.6%.

Also on April 29, 2022, the Pennsylvania-American Water Company – Wastewater Division (PAWC-WD) filed Supplement No. 34 to Tariff Wastewater PA P.U.C. No. 16 (Supplement No. 34) with the Commission to become effective June 28, 2022. Supplement No. 34 would increase PAWC-WD’s total annual operating revenues for wastewater service by approximately $18.7 million, or 16.1%.

On May 4, 2022, the Office of Small Business Advocate (OSBA) filed a formal complaint in response to PAWC’s filing, docket number C-2022-3032331. On May 16, 2022, the Office of Consumer Advocate (OCA) filed a formal complaint in response to PAWC’s filing,

docket number C-2022-3032485. Both the OSBA and OCA also filed formal complaints in response to PAWC-WD’s filing, docket number C-2022-3032346 on May 5, 2022 and docket number C-2022-3032487 on May 16, 2022, respectively. In addition, several formal complaints were filed by PAWC’s customers.

On June 16, 2022, by separate Orders, the Commission suspended the filings by operation of law until January 28, 2023, pursuant to Section 1308(d) of the Public Utility Code, unless permitted by the Commission to become effective at an earlier date. In both Orders, the Commission stated that investigation and analysis of the proposed tariff supplements and the supporting data indicate that the proposed changes in rates, rules and regulations may be unlawful, unjust, unreasonable and contrary to the public interest. The Commission also determined that consideration should be given to the reasonableness of PAWC’s existing rates, rules and regulations. As a result, the Commission order that an investigation be instituted in response to both filings to determine the lawfulness, justness, and reasonableness of the rates, rules, and regulations contained in the proposed tariff filings, as well as a consideration of the lawfulness, justness and reasonableness of the exiting rates, rules, and regulations. The Commission assigned the cases to the Office of Administrative Law Judge for Alternative Dispute Resolution, if possible, and for the prompt scheduling of hearings as may be necessary culminating in the issuance of Recommended Decisions.

On June 16, 2022, a hearing notice was issued for both filings establishing a telephonic prehearing conference for these matters for Monday, June 27, 2022 at 11:00 a.m. and assigning me as the presiding officer.

In accordance with Section 333 of the Public Utility Code, 66 Pa.C.S. § 333, and Sections 5.221-5.224 of the Commission’s regulations, 52 Pa.Code §§ 5.221-5.224, this prehearing conference order is being issued for both filings.

ORDER

THEREFORE,

IT IS ORDERED:

1. That a telephonic Prehearing Conference shall be held on **Monday, June 27, 2022,** beginning at 11:00 a.m. The toll-free bridge number is 877-931-3508 and the PIN number is 32041174.
2. That absent a continuance for good cause, all parties must be prepared to participate in the scheduled prehearing conference. Failure of a party to participate in the conference, after being served with notice of the time thereof, without good case shown, shall constitute a waiver of all objections to the agreements reached and an order or ruling with respect thereto. **A parties list will be established at the initial prehearing conference that will be used for the remainder of the case**. If a party does not appear at, or file a petition to intervene by, the prehearing conference, or otherwise express an interest in being on the parties list, that party may not receive all documents filed in this case.
3. That all parties shall review the regulations relating to discovery, specifically 52 Pa.Code § 5.331(b), which provides, among other things, that “a party shall 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. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa.Code §§ 5.361, 5.371 – 5.372.
4. That pursuant to 52 Pa.Code §§ 1.21 – 1.23, 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).
5. That you must serve me electronically at [jcheskis@pa.gov](mailto:jcheskis@pa.gov) with a copy of any document that you file in this proceeding. If you send me any correspondence or document, you must send a copy to all other parties. A copy of the Commission’s current service list of the parties to this proceeding is enclosed with this order.
6. That parties shall review the regulations pertaining to prehearing conferences, in particular 52 Pa.Code § 5.222(d), which provides that parties and counsel will be expected to attend the conference fully prepared for useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto. The preparation should include, among other things, advance study of all relevant materials, and advance informal communication between the participants, including requests for additional data and information, to the extent it appears feasible and desirable.

1. That pursuant to 52 Pa.Code § 1.55, each party shall be limited to one entry on the service list. Parties shall provide the name, business address, business telephone number and business e-mail address of the person they wish to have listed on the service list.
2. That on or before **June 24, 2022**, the parties shall serve me and each other with a Prehearing Conference Memorandum addressing:

a.) The information described in Paragraph 7, above.

b.) A statement regarding possible settlement of the case, subject to approval of the Pennsylvania Public Utility Commission.

c.) Any proposed modifications to the Commission’s discovery regulations.

d.) A proposed schedule for litigation which provides for reply briefs to be filed no later than **October 11, 2022**.

e.) Names, business addresses, and telephone numbers of witnesses the party expects to call and the subject matter of each witnesses’ testimony.

f.) A list of the issues and sub-issues of this proceeding which the party intends to address and a statement of the party’s position on each of the issues and sub-issues listed.

g.) The need for any public input hearings to be held in the service territory.

1. That the parties are directed to confer to identify specific dates and times of any public input hearings, if any, including telephone numbers and persons to contact, and to confer and attempt to reach a consensus regarding the content of the notice, newspaper advertisement of the public input hearings and other forms of notifying the public in the service territory.
2. That a request for a change of the scheduled Prehearing Conference date shall state the agreement or opposition of other parties and shall be submitted in writing no later than five (5) days prior to the initial prehearing conference. 52 Pa.Code §1.15(b). Requests for change must be sent to us with copies to all parties of record.

Date: June 17, 2022 /s/

Joel H. Cheskis

Deputy Chief Administrative Law Judge

**R-2022-3031672 (Water); R-2022-3031673 (Wastewater)** - **PENNSYLVANIA PUBLIC UTILITY COMMISSION v. PENNSYLVANIA-AMERICAN WATER COMPANY**

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