**Before the**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

John Kerr Musgrave IV :

: C-2020-3020714

v. :

:

Pittsburgh Water and Sewer Authority :

**INTERIM ORDER**

**HOLDING MOTION IN LIMINE IN ABEYANCE**

**UNTIL STATUS CONFERENCE, ORDERING MEET AND CONFER, AND DIRECTING STATUS REPORT**

On July 15, 2022, the Pittsburgh Water and Sewer Authority (PWSA, Company, or Respondent) filed a Motion in Limine, seeking to exclude witness testimony proposed by John Kerr Musgrave IV (Complainant or Mr. Musgrave). PWSA alleges the testimony it seeks to exclude lie outside the boundaries of the issues in this case and is cumulative and repetitious. PWSA argues Complainant’s witness list should be limited as so as to avoid confusion and wasting time, prohibit Complainant from representing the interests of other customers, and prohibit Complainant from calling PWSA employees as his witnesses.

On July 28, 2022, Mr. Musgrave filed a response to the Motion in Limine, essentially arguing that his proposed testimony was necessary and relevant.

On August 16, 2022, I directed Commission staff to issue a Notice, scheduling a status conference for September 1, 2022.

A status conference convened on September 1, 2022. The parties discussed a variety of topics, including the motion in limine and Mr. Musgraves’ proposed witness list. A second status conferenced was scheduled for September 14, 2022.

A second status conference was held on September 14, 2022. The parties advised they had made progress toward the agreement on a set of joint stipulations but needed more time. The parties agreed to have me set a deadline for the submission of a set of proposed stipulations and a status report.

THEREFORE,

IT IS ORDERED:

1. That the Motion in Limine filed by PWSA shall be held in abeyance at least until September 30, 2022.
2. That the parties shall meet and confer at least once prior to September 30, 2022, to discuss the possibility of agreeing to a set of factual stipulations in this matter.
3. That, if the parties are able to agree to a set of factual stipulations, they shall, by 4:00 p.m. on September 30, 2022, file a fully executed copy of the proposed written stipulations with the Commission’s Secretary’s Bureau and serve a copy upon me by email.
4. That, regardless of whether the parties are able to agree to a set of factual stipulations, they shall, by 4:00 p.m. on September 30, 2022, file a status report with the Commission’s Secretary’s Bureau and serve a copy upon me by email. The parties may file and serve a joint status report.
5. That, if the parties file a set of proposed factual stipulations in conjunction with the status report(s), the status report(s) shall indicate: (1) whether Mr. Musgraves intends to revise his proposed witness list if the stipulations are adopted, and if so, what his revised witness list would be; (2) whether the Company intends to modify or withdraw its Motion in Limine, in light of any revisions Mr. Musgraves intends to make to his proposed witness list.

Date: September 15, 2022 /s/

Emily I. DeVoe

Administrative Law Judge

**C-2020-3020714 - JOHN KERR MUSGRAVE IV v. THE PITTSBURGH WATER AND SEWER AUTHORITY**JOHN KERR MUSGRAVE IV 6059 BUNKERHILL STREETPITTSBURGH PA 15206-1155**412.661.2374**jmusky@earthlink.netAccepts eServiceSHANNON BARKLEY ESQUIREPWSAPENN LIBERTY PLAZA I1200 PENN AVENUE 2ND FLOORPITTSBURGH PA 15222**412.676.6685**sbarkley@pgh2o.comAccepts eServiceLAUREN M BURGE ESQUIREECKERT SEAMANS CHERIN & MELLOTT LLC600 GRANT STREET 44TH FLOORPITTSBURGH PA 15219**412.566.2146**lburge@eckertseamans.comAccepts eService  
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