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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
v.	:	Docket No. C-2024-3045798
	:	
Philadelphia Water Department,	:	
Respondent	:	

**PREHEARING CONFERENCE MEMORANDUM OF THE CITY OF PHILADELPHIA
(INCORRECTLY IDENTIFIED AS “PHILADELPHIA WATER DEPARTMENT”)**

To Deputy Chief Administrative Law Judge Christopher P. Pell:

Respondent, City of Philadelphia¹ (“City of Philadelphia” or “City”), files this Prehearing Conference Memorandum in accordance with Section 5.222(d)(1) of the Commission’s regulations, 52 Pa. Code §5.222(d)(1), in advance of the prehearing conference scheduled for May 14, 2024.

A. Proposed Plan and Schedule of Discovery

The City of Philadelphia does not anticipate deviation from the discovery rules at 52 Pa. Code §5.321 *et seq.*

¹ Pursuant to 53 PS Section 16257, operating departments of the City of Philadelphia are not separate legal entities, and as such are not amenable to suit. As the Philadelphia Water Department (“PWD”) is incorrectly identified, all matters against PWD will be deemed against the City of Philadelphia.

B. Possibility of Settlement

Both parties are amenable to potential resolution via settlement. Discussions regarding settlement have occurred and undersigned counsel for the City has proposed resuming discussions since returning from leave.

C. Issues

The Bureau of Investigation and Enforcement failed to provide the City correspondence relating to the alleged violation involving injury/enforcement including a copy of the damage prevention investigator's report as required by PA One Call Law. *See* 73 P. S. § 176 *et. seq.*

D. Amount of Hearing Time Needed

Due to the parties actively engaging in settlement negotiations, the City does not currently have an estimate of hearing time that will be needed.

E. Witnesses

Due to the parties actively engaging in settlement negotiations, the City does not currently have a proposed witness list.

F. Schedule for Submission of Testimony, Hearings and Briefs

Due to the parties actively engaging in settlement negotiations, the City does not currently have a proposed schedule for submission of testimony, hearings, and briefs. The City proposes the parties provide the Court with 30-day status updates. Additionally, the parties will advise the Court if settlement discussions terminate without a resolution and provide the Court with the information requested in Sections D, E, F above.

Respectfully submitted,

BY: /s/ Alexandra Athanasiadis
Alexandra Athanasiadis
Deputy City Solicitor
Attorney for Respondent
City of Philadelphia

Dated: May 8, 2024


**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Complainant	:	
	:	Docket No. C-2024-3045798
v.	:	
	:	
Philadelphia Water Department,	:	
Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of May 2024, a copy of the enclosed Prehearing Conference Memorandum has been served upon the person listed below via electronic filing and electronic mail in a accordance with the requirements of 52 Pa. Code §1.54.

Grant Rosul, Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
grosul@pa.gov

BY: /s/  _____
Alexandra Athanasiadis, Esquire
Deputy City Solicitor
Attorney for Defendant
City of Philadelphia

Dated: May 8, 2024