

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	R-2024-3047822
Office of Small Business Advocate	:	C-2024-3049339
Office of Consumer Advocate	:	C-2024-3049344
Steven Boyanowski	:	C-2024-3048622
Sky Dumont	:	C-2024-3049269
Daniel O’Neil	:	C-2024-3049270
Linc Slipakoff	:	C-2024-3049274
Lori Kennedy	:	C-2024-3049307
Joel T. Postema	:	C-2024-3049316
Ronald & Gail Smith	:	C-2024-3049316
Lori Hill	:	C-2024-3049379
Robert J. Fogarty	:	C-2024-3049398
Susan Unvarsky & Sharon Ellis	:	C-2024-3049399
Ronald Roebuck	:	C-2024-3049402
Sebastian Borriello	:	C-2024-3049417
Teri Dahl	:	C-2024-3049444
Theodore J. Voltolina III	:	C-2024-3049472
Donna Bullard	:	C-2024-3049473
v.	:	
	:	
Aqua Pennsylvania, Inc.	:	

Pennsylvania Public Utility Commission	:	R-2024-3047824
Office of Small Business Advocate	:	C-2024-3049340
Office of Consumer Advocate	:	C-2024-3049345
Daniel O’Neil	:	C-2024-3049279
Ronald & Gail Smith	:	C-2024-3049342
Lori Hill	:	C-2024-3049404
Ronald Roebuck	:	C-2024-3049423
Sebastian Borriello	:	C-2024-3049430
Donna Bullard	:	C-2024-3049480
Valerie J. Cosumano	:	C-2024-3049371
v.	:	
	:	
Aqua Pennsylvania Wastewater, Inc.	:	

PREHEARING CONFERENCE ORDER

An Initial Telephonic Prehearing Conference has been scheduled in the above-captioned proceedings for **Monday, July 1, 2024, at 10:00 a.m.** The undersigned Administrative Law Judges will preside. Consistent with the Prehearing Conference Notice dated June 17, 2024, to participate in the conference, you must dial the toll-free number listed below. You will be prompted to enter a PIN number, also listed below. You will be asked to say your name and then the telephone system will connect you to the conference.

Toll-free Bridge Number: 877-929-1529
PIN Number: 27666478

You will not be called by the Administrative Law Judges.

In response to this Prehearing Conference Order, you may proceed in one of three ways:

Do nothing. If you do not attend the Prehearing Conference scheduled in this matter, you will be treated as an inactive party to this proceeding, and your name will be removed from the service list. Inactive parties will not receive any pleadings, filings, discovery requests, written testimony or orders and decisions in this matter. You may still attend and testify at a public input hearing, if one is scheduled, as explained in the next paragraph.

Attend a public input hearing if one is scheduled. Public input hearings, if scheduled, may be held in geographical areas affected by the filings for the purpose of giving citizens who do not wish to participate in the formal litigation an opportunity to express their opinions regarding the Company's proposal. If a public input hearing is scheduled, the Commission will publish a notice which includes instructions for how to tell the Commission that you wish to testify. If you testify at a public input hearing, you will not be permitted to also testify at the technical evidentiary hearings. The Commission notice will also include instructions if you want to attend or listen to the public input hearing but do not wish to testify. Notice of the public input

hearing, if one is scheduled, will be published in your local newspaper two weeks before it is held and on the Commission's and Aqua's website.

Become a party of record. As an active party of record, you will be served with all of the pleadings, filings, discovery requests, written testimony and orders and decisions served and issued in this proceeding. *These documents will be voluminous.* Your *rights* as a party of record include the ability to present your own testimony or documents and to cross-examine other witnesses at the formal hearings, and to file exceptions to the decision of the Administrative Law Judges. Your *duties* as a party of record are that you must answer all discovery requests served upon you in accordance with the rules. You will be required to serve a copy of anything that you *file* upon the Administrative Law Judges and each party appearing on the service list, as modified after the Prehearing Conference, regardless of the cost of postage. If you intend to present evidence at the formal evidentiary hearings, you will be required to submit your testimony and documents in writing in advance, in accordance with the schedule to be set at the Prehearing Conference and to provide a copy of your written testimony to each party on the service list. You will be expected to participate in accordance with the rules of Commission practice appearing in Title 52 of the Pennsylvania Code Chapters 1, 3 and 5. The Pennsylvania Code is available on-line at www.pacode.com.

Any party may request to change their status from an inactive party to an active party or from active party to an inactive party by sending an email to the undersigned Administrative Law Judges and to the active parties to this proceeding.

You are strongly encouraged to register for the Commission's free eFiling subscription service, which allows users to automatically receive an email notification whenever a document is added, removed, or changed on the Commission's website regarding a specific case. Instructions for subscribing to this service are on the PUC's website at http://www.puc.pa.gov/Documentation/eFiling_Subscriptions.pdf.

The parties are directed to comply with the following requirements:

1. That a request for a change of the scheduled Prehearing Conference date must state the agreement or opposition of other participants and must be submitted in writing no later than five (5) days prior to the Prehearing Conference. 52 Pa. Code § 1.15(b). Requests for changes of the Prehearing Conference date must be sent to the undersigned via email and all participants of record.

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 date, time and location thereof, without good cause shown, shall constitute a waiver of all objections to the agreements reached, and an order or ruling with respect thereto.

3. That the Commission's regulation concerning prehearing conferences in rate proceedings is located at 52 Pa. Code § 5.224. Accordingly, we will discuss the following:

- 1) The Petition to Intervene of CAUSE-PA;
- 2) A proposed plan and schedule of discovery;
- 3) Possibility of settlement;
- 4) Issues;
- 5) Witnesses;
- 6) Schedule for submission of testimony, hearings and briefs. The deadline for the submission of Reply Briefs in these proceedings is November 7, 2024, and this date is firm;
- 7) Amount of hearing time needed, and whether the hearing shall be held in-person or telephonically;
- 8) Public Input hearings; and
- 9) Any other appropriate matter.

4. **That on or before 4:00 p.m. on Thursday, June 27, 2024**, each active participant shall file and serve a prehearing memorandum which sets forth the history of these

proceedings and addresses the agenda items listed above. If more than one attorney represents a party, your memorandum should identify one attorney who will speak as the lead attorney for the purposes of the Prehearing Conference.

5. That the parties shall review the regulations relating to discovery, specifically 52 Pa. Code § 5.331(b), which provides, *inter alia*, that “[a] party shall initiate discovery as early in the proceeding as possible,” and 52 Pa. Code § 5.322, which encourages parties to exchange information on an informal basis. The parties are expected to pursue resolution of discovery issues among themselves; motions to compel should be filed only after such efforts have failed. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§ 5.361, 5.371-72.

6. That, pursuant to 52 Pa. Code §§ 1.21-1.23, you may represent yourself if you are an individual or sole proprietorship, 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, joint venture, other business organization, trust, trustee, legal representative, receiver, agency, governmental entity, municipality or other political 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 ensure that their appearances are entered in accordance with the provisions of 52 Pa. Code § 1.24(b).

7. That all parties must serve the undersigned Administrative Law Judges (gchiodo@pa.gov and alphonarno@pa.gov) with any documents you file in this proceeding. If you send us any documents or correspondence, you must also send copies to all other parties in the case. Parties may serve documents electronically by 4:30 p.m. to meet any required due date. For your convenience, a copy of the Commission’s current service list of the parties to this proceeding is attached to this Order. Please check the list for omission and errors and contract us to make any corrections.

8. That the parties shall stipulate to any matters they reasonably can to expedite this proceeding, lessen the burden of time and expense in litigation on all parties and converse administrative hearing resources. 52 Pa. Code §§ 5.232 and 5.234. All stipulations entered into by the parties shall be reduced to writing, signed by the parties to be bound thereby, and moved into the record during the hearings in this case. An exception to this requirement may occur when circumstances warrant. If so, an oral presentation of a stipulation is permissible, if it is followed by a reduction to writing as herein directed.

9. That the parties are to confer amongst themselves in an attempt to resolve all or some of the issues associated with these filings. The parties are reminded that it is the Commission's policy to encourage settlements. 52 Pa. Code § 5.231(a). The parties are strongly urged to seriously explore this possibility.

Date: June 18, 2024

_____/s/
Gail M. Chiodo
Administrative Law Judge

_____/s/
Alphonso Arnold III
Administrative Law Judge

R-2024-3047822 (WATER); R-2024-3047824 (WASTEWATER) - PENNSYLVANIA PUBLIC UTILITY COMMISSION v. AQUA PENNSYLVANIA INC

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