

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Aqua Pennsylvania Wastewater, Inc. :	A-2023-3041695
Pursuant to Sections 1102 and 1329 of the	:
Public Utility Code, for approval of the	:
Acquisition by Aqua of the wastewater system	:
Assets of the Greenville Sanitary Authority	:
Situated within the Borough of Greenville,	:
Hempfield Township, and West Salem Township,	:
Mercer County, Pennsylvania	:

PREHEARING CONFERENCE ORDER

A telephonic prehearing conference has been scheduled in the above-captioned case for **Wednesday, July 17, 2024, at 10:00 a.m.** The call-in information is as follows:

Toll-free Conference Number:	866.566.0651
Passcode Participant Number:	59956427

Parties must serve us directly (electronically at mhoyer@pa.gov and alphonarno@pa.gov and by hard copy if service of hard copies if possible) with any document you file in this proceeding. If you send any document or correspondence, you must send a copy to all other parties in the case. The current service list is attached to this order. Our mailing addresses are as follows:

Deputy Chief Administrative Law Judge Mark A. Hoyer
Pennsylvania Public Utility Commission
301 Fifth Avenue, Suite 220
Pittsburgh, PA 15222

Administrative Law Judge Alphonso Arnold III
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

1. Please review the regulations pertaining to prehearing conferences, 52 Pa. Code §§ 5.221- 5.224, and in particular, § 5.222(d) which provides, in part:

(d) 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.

(1) The preparation must include submission of a prehearing memorandum and list:

- (i) The presently identified issues.
- (ii) The names and addresses of the witnesses.
- (iii) The proposed area of testimony of each witness.

(2) The preparation may include:

- (i) Development of a proposed procedural schedule.
- (ii) Advance study of all relevant materials.
- (iii) Advance informal communication between the parties, including requests for additional data and information, to the extent it appears feasible and desirable.

(Emphasis added.)

2. Each party must prepare and distribute a prehearing memorandum which sets forth the history of the proceeding, the issues you intend to present, and a listing of your proposed witnesses, proposed litigation schedule, and the subject of their testimony by **noon, 12:00 p.m., on Tuesday, July 16, 2024**. The Reply Brief deadline for the litigation schedule shall be September 5, 2024. This date is firm.

3. The Parties are directed to confer regarding the scheduling of a public input hearing(s) and to propose a date(s) and time for each agreed upon public input hearing.

Applicant shall provide the agreed upon locations, date(s) and time(s) of any agreed upon public input hearings in its prehearing memorandum.

3. Please 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 proceedings as reasonably possible,” and 52 Pa. Code § 5.322, which encourages participants to exchange information on an informal basis. We urge all parties to cooperate in discovery. Such cooperation is preferable to numerous or protracted discovery disagreements, which require the participation of the presiding officers for resolution. Please be aware that there are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§ 5.361, 5.371-5.372.

The regulations relating to discovery are modified by this order because of the expedited nature of this proceeding in advance of the prehearing conference as follows:

- a. Answers to written interrogatories shall be served in-hand within seven (7) calendar days of service. Discovery and discovery-related pleadings propounded after 12:00 noon on a Friday or after 12:00 noon on any business day immediately preceding a state holiday will be deemed served on the next business day for purposes of determining the due date of the responses and responsive pleading.
- b. Objections to interrogatories shall be communicated orally within three (3) calendar days of service of the interrogatories; unresolved objections shall be served to the ALJs in writing within five (5) days of service of the interrogatories. Objections to interrogatories served on a Friday shall be communicated orally within four (4) calendar days, and unresolved objections shall be served to the ALJs in writing within six (6) days of service of the interrogatories.
- c. Motions to dismiss objections and/or direct the answering of interrogatories shall be filed within three (3) calendar days of service of the written objections.
- d. Answers to motions to dismiss objections and/or direct the answering of interrogatories shall be filed within three (3) calendar days of service of such motions.
- e. Responses to requests for document production, entry for inspection, or other purposes must be served in-hand within seven (7) calendar days.

- f. Requests for admissions will be deemed admitted unless answered within seven (7) calendar days or objected to within four (4) calendar days of service.
- g. Discovery-related pleadings, such as objections, motions, or answers, served on a Friday or the day before a holiday recognized by the Commission will be deemed to have been served on the following business day for purposes of tracking due dates.

The above discovery modifications only apply to discovery requests made after the date of this order.

4. 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, business telefacsimile number (if any), and business e-mail address (if any) of the person they wish to include on the service list.

5. Parties shall be limited to those persons or entities who: (1) file a protest or petition to intervene pursuant to 52 Pa.Code §§ 5.51, 5.71-76 (or a notice of intervention for those entities with a statutory right of participation) and (2) attend the initial prehearing conference. After the prehearing conference, intervention is limited to those persons or entities granted party status pursuant to 52 Pa.Code §§ 5.71-5.76, as set forth in *Re: Mercer Gas Company*, 71 Pa. PUC 19 (1989), and *Re: S.T.S. Motor Freight, Inc.*, 54 Pa. PUC 343, 344 (1980).

6. Petitions to intervene, if not untimely or otherwise defective on their face, shall be deemed granted if not objected to within three business days after filing. If objected to, such pleadings will be addressed by order.

7. Pursuant to 52 Pa. Code §§ 1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney represent you. However, if you are a partnership, corporation, trust, association or governmental agency or subdivision, you must have an attorney represent you in this proceeding. Unless you are an attorney, you may not represent someone else.

**A-2023-3041695 - APPLICATION OF AQUA PENNSYLVANIA WASTEWATER, INC.
PURSUANT TO SECTIONS 1102 AND 1329 OF THE PUBLIC UTILITY CODE FOR:
APPROVAL OF THE ACQUISITION BY AQUA OF THE WASTEWATER SYSTEM
ASSETS OF THE GREENVILLE SANITARY AUTHORITY ("GSA") SITUATED WITHIN
THE BOROUGH OF GREENVILLE, HEMPFIELD TOWNSHIP, AND WEST SALEM
TOWNSHIP, MERCER COUNTY, PENNSYLVANIA**

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